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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Pears

MISCELLANEOUS AMENDMENTS

On September 27, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 9561) regarding a proposed revision of the United States Standards for Grades of Canned Pears (7 CFR 52.1611-52.1627).

After consideration of all relevant matters presented including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Pears are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the revised standards. The aforementioned notice proposed major changes to the United States Standards for Grades of Canned Pears which have been in effect since December 1, 1951. The proposed revision set forth limitations as to styles and types of pack; recommendations for proper fill of container; changes in quality factors of color, uniformity of size, trimming, and other defects.

Since 1951, commercial canning operations have changed considerably with respect to this product. Canned pears are rarely packed without being peeled; and "Solid-pack" pears are no longer canned in significant volume. New peeling methods—both mechanical and chemical—have been introduced generally throughout the industry whereby a thinner peel is removed than by prior methods. These methods may thus affect color in that slightly more pigment may remain than from previously accepted methods; and smoothness of contour of pear halves may also be affected.

The revised standards, as hereinafter set forth, adopt two approaches in recommendations for proper fill. A recommended "fill-weight" procedure is included for most styles as well as the conventional "drained weight" procedure recommended in the 1951 standards.

Under the "fill-weight" procedure the amount of fruit is measured during the filling operation, whereas the "drained weight" is ascertained after the product has been sealed in the container, processed, and allowed to equalize with the packing medium.

Many canners have found it advantageous to use the fill-weight procedure because it affords control over the product during packing operations. Furthermore, since the fill-weight procedure does not require destructive sampling, a large number of measurements may be made thereby increasing the accuracy of lot estimate.

With the cooperation of fruit canners in California and the Pacific Northwest, the Department initiated a fill-weight study in 1958 on several canned fruits, including pears. The purpose of this study was to collect data during canning operations in order to evaluate the amount of fruit which would represent proper fill under good commercial practices. Following this study, the program was introduced to the industry on an experimental basis during the 1959, 1960, and 1961 packing seasons. Specified limits, proposed in the aforesaid notice, covered the principal styles packed and were available during the 1962 season for further study and application.

Informal meetings have been held with organized canners' groups to review or reconcile differences or suggest improvements that would be of benefit in the inspection and marketing of the product. Views from individual canners, buyers, and other interested persons have also been considered and adopted or modified in applicable respects.

The only unresolved matter concerns the Department's proposed fill-weight values for the style of diced pears. Until further evaluations are made, fill-weight values for diced pears are not incorporated in the revised standards.

The revised standards, as hereinafter set forth, contain the following major changes from the 1951 standards:

- (1) Elimination of "unpeeled" styles;
- (2) Omission of requirements for "Solid-pack" pears;
- (3) Changes in recommended drained weights for all styles, other than Whole style;

- (4) Addition of recommended fill-weight values for all styles, other than Whole and Diced styles;

- (5) Slight relaxation in color requirements to permit typical hues, such as light greenish-white or light beige-white, often characteristic of the newer mechanical and chemical peeling processes;

- (6) Relaxation in uniformity of size requirements in styles of:

- (a) Halves, quarters, whole—the variation from the smallest to largest unit is now no more than 50 percent instead of the former 40 percent limit for Grade

A, and no more than 75 percent instead of the former 60 percent in Grade B;

- (b) Slices—In Grade C, the former 20 percent limit for variation from a uniform shape no longer applies; and

- (c) Diced—the former limits of 10 percent, 15 percent, and 20 percent (in Grade A, B, and C classifications, respectively) for excessively large and small pieces, now applies only to small dice or pieces that pass through $\frac{5}{16}$ -inch square openings;

- (7) Changes in definitions for moderately and seriously trimmed units with respect to core and stem material which material is considered in separate categories of defects; and disregard of slightly trimmed units with slight indentations of knife marks that do not materially affect appearance; and

- (8) Realignment of definitions and tolerances for core material, stems, loose seeds, and blemished units—some of which were formerly considered in relation to tolerances for trimmed units.

PRODUCT DESCRIPTION, STYLES, GRADES

Sec.

- 52.1611 Product description.
- 52.1612 Styles of canned pears.
- 52.1613 Grades of canned pears.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, FILL WEIGHTS

- 52.1614 Liquid media and Brix measurements for canned pears.
- 52.1615 Fill of container for canned pears.
- 52.1616 Recommended drained weights for canned pears.
- 52.1617 Recommended fill weights for canned pears.

FACTORS OF QUALITY

- 52.1618 Ascertaining the grade.
- 52.1619 Ascertaining the rating for the factors which are scored.
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- 52.1622 Absence of defects.
- 52.1623 Character.

LOT COMPLIANCE

- 52.1624 Ascertaining the grade of a lot.

SCORE SHEET

- 52.1625 Score sheet for canned pears.

AUTHORITY: §§ 52.1611 to 52.1625 issued under sec. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, STYLES, GRADES

§ 52.1611 Product description.

(a) "Canned pears" means the canned product prepared from properly prepared, mature pears, as such product is defined in the Standards of Identity for Canned Pears (21 CFR 27.20; 27.24) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) For the purposes of the standards in this subpart, the canned pears are peeled and the term "canned pears" includes "canned pears," "canned spiced pears," and "canned artificially sweetened pears" as defined in the aforesaid Standards of Identity.

§ 52.1612 Styles of canned pears.

(a) "Halves" or "halved" canned pears are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate halves.

(b) "Quarters" or "quartered" canned pears are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate quarters.

(c) "Slices" or "sliced" canned pears are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximately equal segments smaller than quarters.

(d) "Dice" or "diced" canned pears are peeled pears, with cores and stems removed, cut into approximate cubes.

(e) "Whole" canned pears are peeled, cored or uncored, whole pears with or without stems removed.

(f) "Mixed pieces of irregular sizes and shapes" are peeled and cored cut units of canned pears that are predominantly irregular in size and shape which do not conform to a single style of halves, quarters, slices, or dice and which may consist of:

(1) Units (commonly called "salad cuts" or "salad pieces" or "chunk style") which may have been prepared originally as pear halves but which are irregular in size and shape in that more than one-fourth of the unit appears to have been removed at the outer curved surface and which have been cut further into pieces; or

(2) Mixtures of two or more of the following styles which may or may not be of normal shape: Halves, quarters, slices, dice, or whole.

§ 52.1613 Grades of canned pears.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of halves, quarters, slices, diced, or whole canned pears that:

(1) Possess similar varietal characteristics;

(2) Possess a normal flavor and odor;

(3) Possess a good color;

(4) Are practically uniform in size and symmetry;

(5) Are practically free from defects;

(6) Possess a good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points:

(8) *Provided*, That halves, quarters, slices, diced, or whole canned pears may possess a reasonably good color and may be fairly uniform or reasonably uniform in size and symmetry, if the total score is not less than 90 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned pears that:

(1) Possess similar varietal characteristics;

(2) Possess a normal flavor and odor;

(3) Possess a reasonably good color;

(4) Are reasonably uniform in size and symmetry for the applicable style;

(5) Are reasonably free from defects;

(6) Possess a reasonably good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points:

(8) *Provided*, That halves, quarters, slices, diced, or whole canned pears may be fairly uniform in size and symmetry, if the total score is not less than 80 points.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned pears that:

(1) Possess a normal flavor and odor;

(2) Possess a fairly good color;

(3) Are fairly uniform in size and symmetry for the applicable style;

(4) Are fairly free from defects;

(5) Possess a fairly good character; and

(6) For those factors which are scored in accordance with the scoring system

outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned pears that fail to meet the applicable requirements of U.S. Grade C and is the quality of canned pears that may or may not meet the minimum standard of quality for canned pears issued pursuant to the Federal Food, Drug, and Cosmetic Act.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

§ 52.1614 Liquid media and Brix measurements for canned pears.

"Cut-out" requirements for liquid media in canned pears are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the respective designations are as follows:

Designations	Brix measurement
"Extra heavy sirup" or "Extra heavy pear juice sirup."	22° or more but not more than 35°.
"Heavy sirup" or "Heavy pear juice sirup"-----	18° or more but less than 22°.
"Light sirup" or "Light pear juice sirup"-----	14° or more but less than 18°.
"Slightly sweetened water" or "Slightly sweetened pear juice."	Less than 14°.
"In water"-----	Packed in water.
"In pear juice"-----	Packed in pear juice.
"In clarified juice"-----	Packed in clarified juice.
"Artificially sweetened"-----	Water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these, and may be thickened with pectin.

§ 52.1615 Fill of container for canned pears.

The standard of fill of container for canned pears is the maximum quantity of the pear units which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned pears that do not meet this requirement are "Below Standard in Fill."

§ 52.1616 Recommended drained weights for canned pears.

(a) *General*. (1) The minimum drained weight recommendations for the various applicable styles in Table I of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for ascertaining drained weight*. The drained weight of canned pears is determined by emptying the contents of the container, turning the seed cavities down in halves, upon a United States Standard No. 8 circular sieve, of proper diameter, containing 8 meshes to the inch (0.0937-inch \pm 3 percent, square openings) so as to distribute the product

evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and pears less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights*. A lot of canned pears is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as "Avg." in Tables Ia, Ib, and Ic of this subpart); and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as "indv." in Tables Ia, Ib, and Ic of this subpart) does not exceed the applicable acceptance number specified in the single sampling plan contained in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

TABLE Ia—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED PEARS

[HALVES STYLE]

Container designation (metal, unless otherwise stated)	In any sirup or other liquid medium	
	Indv. ¹	Avg. ²
	Ounces	Ounces
8 Z glass	4.1	4.7
8 Z tall	4.2	4.8
No. 300:		
7 count or less	7.7	8.4
8 count or more	8.0	8.7
No. 303 glass:		
7 count or less	8.2	9.0
8 count or more	8.5	9.3
No. 303:		
7 count or less	8.5	9.3
8 count or more	8.8	9.6
No. 2:		
7 count or less	10.5	11.4
8 count or more	10.8	11.7
No. 2½ glass:		
8 count or less	14.9	16.0
9 count or more	15.4	16.5
No. 2½:		
8 count or less	15.3	16.4
9 count or more	15.8	16.9
No. 10:		
25 count or less	60.8	62.7
26 count or more	62.2	64.1

TABLE Ib—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED PEARS

[STYLES OF QUARTERS; SLICES; MIXED PIECES OF IRREGULAR SIZES AND SHAPES]

Container designation (metal, unless otherwise stated)	In any sirup or other liquid medium	
	Indv. ¹	Avg. ²
	Ounces	Ounces
8 Z glass	4.4	4.8
8 Z tall	4.5	4.9
No. 300	8.3	8.9
No. 303 glass	8.8	9.4
No. 303	9.0	9.6
No. 2	11.1	11.8
No. 2½ glass	16.1	16.9
No. 2½	16.4	17.2
No. 10	64.0	65.5

TABLE Ic—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED PEARS

[DICED STYLE]

Container designation (metal, unless otherwise stated)	In any sirup or other liquid medium	
	Indv. ¹	Avg. ²
	Ounces	Ounces
8 Z glass	5.3	5.6
8 Z tall	5.3	5.6
No. 300	9.3	9.7
No. 303 glass	10.1	10.6
No. 303	10.2	10.7
No. 2	12.4	13.0
No. 2½ glass	18.3	18.8
No. 2½	18.4	19.0
No. 10	65.7	67.0

¹ "Indv." means the minimum drained weight for individual containers.² "Avg." means the minimum average drained weights from all the containers in the sample.**§ 52.1617 Recommended fill weights for canned pears.**

(a) *General.* The minimum fill weight recommendations for the various applicable styles in Tables IIa and IIb of this subpart are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining fill weight.* The fill weight of canned pears for the

applicable styles is determined in accordance with the United States Department of Agriculture "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

\bar{X}'_{min} means the minimum lot average fill weight.

$LWL_{\bar{x}}$ means the lower warning limit for subgroup averages.

$LRL_{\bar{x}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

\bar{R}' means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

(d) *Subgroup size.* The subgroup size for the determination of fill weights shall be 5 sample units.

(e) *Compliance with recommended fill weights.* Compliance with the recommended fill weights for canned pears shall be in accordance with the acceptance criteria specified in the United States Department of Agriculture "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

TABLE IIa—RECOMMENDED FILL WEIGHTS FOR CANNED PEARS

[HALVES STYLE]

Container designation (metal, unless otherwise stated)	\bar{X}'_{min}	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	\bar{R}'	R_{max}
	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces
8 Z tall	5.1	4.6	4.4	4.1	3.6	1.2	2.5
No. 300:							
7 count or less	8.8	8.2	7.9	7.5	6.8	1.5	3.2
8 count or more	9.1	8.5	8.2	7.8	7.1	1.5	3.2
No. 303 glass:							
7 count or less	9.5	8.9	8.5	8.1	7.4	1.6	3.4
8 count or more	9.8	9.2	8.8	8.4	7.7	1.6	3.4
No. 303:							
7 count or less	9.8	9.2	8.8	8.4	7.7	1.6	3.4
8 count or more	10.1	9.5	9.1	8.7	8.0	1.6	3.4
No. 2:							
7 count or less	11.8	11.1	10.7	10.2	9.4	1.9	3.9
8 count or more	12.3	11.6	11.2	10.7	9.9	1.9	3.9
No. 2½ glass:							
8 count or less	16.8	15.9	15.4	14.8	13.8	2.3	4.9
9 count or more	17.3	16.4	15.9	15.3	14.3	2.3	4.9
No. 2½:							
8 count or less	17.2	16.3	15.8	15.2	14.2	2.3	4.9
9 count or more	17.7	16.8	16.3	15.7	14.7	2.3	4.9
No. 10:							
25 count or less	66.0	64.5	63.7	62.6	60.9	4.0	8.4
26 count or more	67.5	66.0	65.2	64.1	62.4	4.0	8.4

TABLE IIb—RECOMMENDED FILL WEIGHTS FOR CANNED PEARS

[STYLES OF QUARTERS; SLICES; MIXED PIECES OF IRREGULAR SIZES AND SHAPES]

Container designation (metal, unless otherwise stated)	\bar{X}'_{min}	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LLR	\bar{R}'	R_{max}
	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces	Ounces
8 Z glass	5.1	4.7	4.5	4.3	3.9	0.9	2.0
8 Z tall	5.2	4.8	4.6	4.4	4.0	0.9	2.0
No. 300	9.4	8.9	8.7	8.4	7.9	1.2	2.5
No. 303 glass	10.0	9.5	9.2	8.9	8.3	1.3	2.7
No. 303	10.2	9.7	9.4	9.1	8.5	1.3	2.7
No. 2	12.6	12.0	11.7	11.3	10.6	1.6	3.2
No. 2½ glass	18.0	17.3	17.0	16.5	15.7	1.7	3.7
No. 2½	18.3	17.6	17.3	16.8	16.0	1.7	3.7
No. 10	70.0	68.7	68.1	67.2	65.8	3.3	6.9

FACTORS OF QUALITY**§ 52.1618 Ascertaining the grade.**

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*

(i) Varietal characteristics.

(ii) Flavor and odor.

(2) *Factors rated by score points.*

The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size and symmetry	20
Absence of defects	30
Character	30

Total Score..... 100

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the canned pears are free from objectionable flavors and objectionable odors of any kind.

§ 52.1619 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means "18, 19, or 20 points").

§ 52.1620 Color.

(a) *General.* The factor of color refers to the color typical of the variety and its uniformity in each unit and among the units. The factor of color for canned pears that are spiced is not

based on any detailed requirements and is not scored but the color shall be normal for peeled spiced canned pears; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (A) *classification*. Halves, quarters, slices, diced, or whole styles of canned pears that possess a good color may be given a score of 18 to 20 points. "Good color" means that:

(1) The units of pears individually and collectively possess a characteristic, practically uniform color that is a typical light yellow-white or light greenish-white or light beige-white color for properly prepared and properly processed canned pears;

(2) Any skin pigment on the units may affect no more than slightly the overall color of the units or the product;

(3) There is otherwise no more than a slight variation from a typical translucent color for properly prepared and properly processed canned pears; and

(4) In halves, quarters, slices, or whole styles not more than 10 percent by count of the units may possess "reasonably good color," provided none of such units are "dead white" (or "chalky") in appearance; or

(5) One unit of halves, quarters, slices, or whole in a container is permitted to have "reasonably good color" if such unit exceeds the allowance of 10 percent by count: *Provided*, That in all containers comprising the sample such "reasonably good color" units do not exceed an average of 10 percent of the total number of units.

(c) (B) *classification*. Halves, quarters, slices, diced, or whole styles of canned pears that possess a reasonably good color and mixed pieces of irregular sizes and shapes style of canned pears that possess at least a reasonably good color may be given a score of 16 or 17 points. Mixed pieces of irregular sizes and shapes of canned pears that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that:

(1) The units of pears individually and collectively possess a reasonably characteristic and reasonably uniform typical color of properly prepared and properly processed canned pears;

(2) Any skin pigment on the units may materially affect the overall color of the units or product;

(3) Such characteristic color may show a very slight tint of pink or may be light tan (or beige) color or may show a lack of uniformity or may vary in translucency; and

(4) In halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes styles not more than 10 percent by count of the units may possess "fairly good color" including units that may be "dead white" (or "chalky") in appearance; or

(5) One unit of halves, quarters, slices, whole, or of mixed pieces of irregular sizes and shapes in a container is permitted to have "fairly good color" including a unit that may be "dead white" (or "chalky") in appearance if such unit exceeds the allowance of 10 percent by count: *Provided*, That in all containers comprising the sample such "fairly good color" units do not exceed an average of 10 percent of the total number of units.

(d) (C) *classification*. Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes styles of canned pears that possess a fairly good color may be given a score of 14 or 15 points. Canned pears that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the units of pears individually and collectively may vary noticeably from a uniform, characteristic color; may be "dead white" (or "chalky") in appearance; may have a slight pink or brown cast but not a definitely pink or brown color; and are not off-color for any reason.

(e) (SStd.) *classification*. Canned pears that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1621 Uniformity of size and symmetry.

(a) *General*. The factor of uniformity of size and symmetry for mixed pieces of irregular sizes and shapes of canned pears is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (A) *classification*. Halves, quarters, slices, diced, or whole canned pears that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" has the following meanings (and as summarized in Table III of this subpart) with respect to the following styles of canned pears:

(1) *Halves; quarters; whole*. The units are reasonably symmetrical and the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 50 percent; the weight of each half is not less than $\frac{3}{4}$ ounce; and the weight of each quarter is not less than $\frac{3}{10}$ ounce.

(2) *Slices*. Not more than 10 percent, by count, of the units vary noticeably from the uniform shape of slices.

(3) *Diced*. The units are fairly symmetrical and not more than 10 percent, by weight, of the units may be of such size as to pass through $\frac{5}{16}$ -inch square openings.

(c) (B) *classification*. Halves, quarters, slices, diced, or whole canned pears

that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. "Reasonably uniform in size and symmetry" has the following meanings (and as summarized in Table III of this subpart) with respect to the following styles of canned pears:

(1) *Halves; quarters; whole*. The units may vary in symmetry and the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 75 percent; the weight of each half is not less than $\frac{3}{4}$ ounce; and the weight of each quarter is not less than $\frac{3}{10}$ ounce.

(2) *Slices*. Not more than 15 percent, by count, of the units vary noticeably from the uniform shape of slices.

(3) *Diced*. The units may vary in symmetry and not more than 15 percent, by weight, of the units may be of such size as to pass through $\frac{5}{16}$ -inch square openings.

(d) (C) *classification*. Halves, quarters, slices, diced, or whole canned pears that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. "Fairly uniform in size and symmetry" has the following meanings (and as summarized in Table III of this subpart) with respect to the following styles of canned pears:

(1) *Halves; quarters; whole*. The units may vary in symmetry and the weight of the largest full-size unit may be not more than twice the weight of the smallest full-size unit; the weight of each half is not less than $\frac{3}{4}$ ounce; and the weight of each quarter is not less than $\frac{3}{10}$ ounce.

(2) *Slices*. Any amount of the units may vary noticeably from the uniform shape of slices.

(3) *Diced*. The units may vary in symmetry and not more than 20 percent, by weight, of the units may be of such size as to pass through $\frac{5}{16}$ -inch square openings.

(e) (SStd) *classification*. Canned pears of the applicable styles which fail to meet paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above the following stated grade, regardless of the total score for the product (this is a limiting rule):

(1) Halves, quarters, or whole canned pears in which the weight of the largest full-size unit is more than twice the weight of the smallest full-size unit shall not be graded above Substandard and are also "Below Standard in Quality—Mixed Sizes."

(2) Halves of canned pears in which the weight of any half is less than $\frac{3}{4}$ ounce shall not be graded above Substandard and are also "Below Standard in Quality—Small Halves."

(3) Quarters of canned pears in which the weight of any quarter is less than $\frac{3}{10}$ ounce shall not be graded above Substandard and are also "Below Standard in Quality—Small Quarters."

(4) Slices and diced canned pears shall not be graded above Substandard.

TABLE III—UNIFORMITY OF SIZE AND SYMMETRY REQUIREMENTS FOR CANNED PEARS

Styles and criteria	(A) Classification	(B) Classification	(C) Classification
Halves; quarters; whole:			
Symmetry of units.....	Reasonably symmetrical.....	May vary.....	May vary.....
Weight variation (smallest unit vs. largest unit).....	50 percent maximum.....	75 percent maximum.....	100 percent maximum.....
Weight of individual unit:			
Halves.....	3/4 ounce minimum.....	3/4 ounce minimum.....	3/4 ounce minimum.....
Quarters.....	3/10 ounce minimum.....	3/10 ounce minimum.....	3/10 ounce minimum.....
Slices: Variation from uniform shape.....	10 percent, by count, may vary noticeably.....	15 percent, by count, may vary noticeably.....	Any amount may vary noticeably.....
Diced:			
Variation in symmetry.....	Fairly symmetrical.....	May vary.....	May vary.....
Size that pass through 5/16-inch square openings.....	10 percent, by weight, maximum.....	15 percent, by weight, maximum.....	20 percent, by weight, maximum.....

§ 52.1622 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless vegetable material; from peel; from external stems; from interior stems, seeds, core material or portions thereof; from blemished units; from improperly, insufficiently, or unevenly trimmed units for the applicable style; and from any other defects or defective units which detract from the appearance or edibility of the product.

(b) *Definitions of defects and defective units.* (1) "Interior stems" means an interior stem or portion of an interior stem of any length that is definitely fibrous, tough, or woody which affects the edibility of the unit.

(2) "Loose seed" means any pear seed, or the equivalent in pieces of one seed, not included in core material.

(3) A unit of "core material" means portions of a seed cell cavity or of a loose core, with or without seeds, aggregating approximately one-half of a pear core. "Core material" in "whole-peeled uncored" style is not considered a defect.

(4) "Minor blemishes" on a unit include:

(i) Light brown areas, aggregating the area of a circle 1/4 inch or less in diameter, which significantly affect the appearance of the unit;

(ii) Definitely corky or hard spots ("corns") on outer surfaces, aggregating the area of a circle 1/2 inch in diameter or less, which are not accompanied by material discoloration;

(iii) Any similar surface defect that no more than materially affects the appearance of the unit.

(5) "Blemishes" on a unit include:

(i) Scab, hail injury, discoloration (abnormal), or other abnormality, aggregating the area of a circle more than 1/4 inch in diameter;

(ii) Dark brown areas, aggregating the area of a circle 1/4 inch or less in diameter, which materially affect the appearance of the unit;

(iii) Definitely corky or hard spots ("corns") on outer surfaces, aggregating the area of a circle more than 1/2 inch in diameter, which are not accompanied by material discoloration; and

(iv) Very dark brown, black, or other very dark spots, regardless of area, which materially affect the appearance or edibility of the unit.

(6) "Moderately trimmed" in the style of halves means that the unit:

(i) Is noticeably trimmed but retains the resemblance of a normal shape for the unit; and/or

(ii) Has gouges or similar cuts, indentations, or knife marks on the backs, edges, or surfaces that no more than materially affect the appearance of the unit; and/or

(iii) Shows marks of double stemming; and/or

(iv) Possesses moderate trimming on the face; and/or

(v) Is deeply or non-symmetrically cored and stemmed.

(7) "Moderately trimmed" in the style of quarters or whole means that the unit:

(i) Is noticeably trimmed but retains the resemblance of a normal shape for the unit; and/or

(ii) Has gouges or similar cuts, indentations, or knife marks on the edges or surfaces that no more than materially affect the appearance of the unit.

(8) "Seriously trimmed" in the style of halves means that the unit:

(i) Is more than moderately trimmed; and/or

(ii) Is so trimmed (including gouges on the backs, edges, or surfaces) that the appearance is seriously affected but the unit retains a reasonably normal shape; and/or

(iii) Is so trimmed that parts of the calyx have not been removed so that the appearance is seriously affected.

(9) "Seriously trimmed" in the style of quarters or whole means that the unit:

(i) Is more than moderately trimmed; and/or

(ii) Is so trimmed (including gouges on the edges or surfaces) that the appearance is seriously affected but the unit retains a reasonably normal shape.

(10) "Crushed" means that the unit in the styles of halves, quarters, slices, or whole:

(i) Has lost its normal shape; and/or

(ii) Bears marks of crushing; and/or

(iii) Is crushed otherwise but not due to ripeness.

(11) "Broken" means that the unit in the styles of halves, quarters, slices, or whole:

(i) Is severed into definite parts; but halves which are slightly split from the edge to the core cavity or at the stem end are not "broken;"

(ii) Portions equivalent to a full-size unit are considered as "one unit" in determining the percentage by count.

(12) "Other defects" or "other defective units" include:

(i) Any not specifically defined or mentioned (such as, but not limited to, a unit in halves style which is only

partially cored) which materially affect the appearance or edibility of the unit; (ii) Any not specifically defined or mentioned (such as, but not limited to, a unit in halves style which is not completely cored) which seriously affect the appearance or edibility of the unit.

(c) *Explanation of terms.* For the purposes of Table IV of this subpart:

(1) "1 unit" without further qualification means that an alternative allowance of one unit affected as described is permitted in a container when the percentage allowance by count would be exceeded by the one unit.

(2) "1 unit (avg)" means that an allowance of one unit affected as described is permitted in a container when the percentage allowance by count would be exceeded by the one unit: *Provided*, That in all containers comprising the sample such units affected as described do not exceed the allowance on an average based on the total number of units in the sample.

(3) "Ounces" means avoirdupois weight based on total contents.

(4) "Average" (or the abbreviation "Avg") with respect to the requirements of this section means the average as ascertained from all sample units.

(d) (A) *classification.* Halves, quarters, slices, diced, whole styles of canned pears that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned pears are practically free from any defects whether or not specifically mentioned that may affect the appearance or edibility of the product no more than slightly; and, in addition, the canned pears meet the requirements of Table IV for the applicable style.

(e) (B) *classification.* Halves, quarters, slices, diced, or whole styles of canned pears that are reasonably free from defects and mixed pieces of irregular sizes and shapes style of canned pears that are at least reasonably free from defects may be given a score of 24 to 26 points. Canned pears that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned pears are reasonably free from any defects whether or not specifically mentioned that materially affect the appearance or edibility of the product; and, in addition, the canned pears meet the requirements of Table IV for the applicable style.

(f) (C) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes styles of canned pears that are fairly free from defects may be given a score of 21 to 23 points. Canned pears that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned pears are fairly free from any defects whether or not specifically mentioned that seriously affect the appearance or edibility of the product;

and, in addition, the canned pears meet the requirements of Table IV for the applicable style.

(g) *(SStd) classification.* Canned pears which fail to meet the requirements of paragraph (f) of this section may be given a score of 0 to 20 points and shall not be graded above the following stated grades, as applicable, regardless of the total score for the product (this is a limiting rule):

(1) Halves, quarters, whole canned pears, shall not be graded above Substandard and may also be "Below Standard

ard in Quality" for the applicable reasons:

Not well peeled.
Partly crushed or broken.
Unevenly trimmed.
Blemished.

(2) Sliced, diced, mixed pieces of irregular sizes and shapes canned pears shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

Not well peeled.
Blemished.

TABLE IV—MAXIMUM ALLOWANCES FOR DEFECTS OR DEFECTIVE UNITS IN CANNED PEARS

All styles except as otherwise stated	Grade A	Grade B	Grade C
Peel.....	¼ sq. in. per 16 ozs. (average)	¼ sq. in. per 16 ozs. (average)	1 sq. in. per 16 ozs. (average)
External stems ¹	1 per 100 ounces	1 per 100 ounces	1 per 100 ounces
Interior stems.....	1 per 60 ounces	1 per 30 ounces	1 per 15 ounces
Units of core material ²	1 per 60 ounces	1 per 30 ounces	1 per 15 ounces
Loose seeds.....	1 per 30 ounces (average)	1 per 15 ounces (average)	1 per 10 ounces (average)
Broken or crushed ³	5% by count or 1 unit	10% by count or 1 unit	10% by count or 1 unit
Seriously trimmed ⁴	None	None	10% by count or 1 unit
Moderately trimmed; and ⁴			No limit for moderately trimmed.
Minor blemishes; and blemished (combined).	Total: 10% by count	Total: 20% by count	
		With further limitations of	
Minor blemishes; and blemished.	10% by count but no more than 5% by count blemished or 1 unit (Avg.).	20% by count but no more than 10% by count blemished or 1 unit (Avg.).	Total: 30% by count but no more than 20% by count blemished or 1 unit (Avg.).

¹ Does not apply to style of: Whole uncored with stems.

² Does not apply to style of: Whole uncored.

³ Does not apply to styles of: Diced or mixed pieces.

⁴ Does not apply to styles of: Sliced, diced, or mixed pieces.

§ 52.1623 Character.

(a) *General.* The factor of character refers to the degree of ripeness, the texture, and tenderness of the product.

(b) (A) *classification.* Halves, quarters, slices, diced, or whole canned pears that possess a good character may be given a score of 27 to 30 points. "Good character" has the following meanings with respect to the various styles of canned pears:

(1) *Halves; quarters.* The units possess a texture typical of properly and uniformly ripened pears that are properly processed; the texture is fleshy and free from noticeable graininess or toughness; the units are tender; the units are uniformly intact and pliable but firm enough to possess well-defined edges with no visible breaking down of the flesh; and not more than 10 percent, by count, of the units may possess a reasonably good character. One unit in a container is permitted to have a reasonably good character if one unit exceeds the allowance of 10 percent, by count: *Provided*, That in all containers comprising the sample, the units with reasonably good character do not exceed an average of 10 percent, by count, of the total number of units.

(2) *Whole.* The units possess a texture typical of properly and uniformly ripened pears that are properly processed; the texture is fleshy and free from noticeable graininess or toughness; the units are uniformly intact and firm with no visible breaking down of the flesh; and not more than 10 percent, by count, of the units may possess a reasonably good character. One unit in a container is permitted to have a reasonably good character if one unit exceeds the allow-

ance of 10 percent, by count: *Provided*, That in all containers comprising the sample the units with reasonably good character do not exceed an average of 10 percent, by count, of the total number of units.

(3) *Slices; diced.* The product generally possess a texture typical of properly and uniformly ripened pears that are properly prepared and processed and not more than 10 percent, by weight, of the drained pears may be disintegrated or mushy.

(c) (B) *classification.* Halves, quarters, slices, diced, or whole canned pears that possess a reasonably good character and mixed pieces of irregular sizes and shapes of canned pears that possess at least a reasonably good character may be given a score of 24 to 26 points. Canned pears that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles of canned pears:

(1) *Halves; quarters; mixed pieces of irregular sizes and shapes.* The units possess a texture typical of properly ripened pears that are properly processed; the units may possess a texture of moderate graininess; the units are reasonably tender or the tenderness may be variable within the unit; the units may be slightly firm or slightly ragged with slightly frayed edges or slightly soft but are not mushy; and not more than 10 percent, by count, of the units may possess a fairly good character. One unit in a container is permitted to have a fairly good character if one unit exceeds the allowance of 10 percent, by count: *Pro-*

vided, That in all containers comprising the sample the units with fairly good character do not exceed an average of 10 percent, by count, of the total number of units.

(2) *Whole.* The units possess a texture typical of properly ripened pears that are properly processed; the units may possess a texture of moderate graininess; the units are reasonably tender or the tenderness may be variable within the unit; the units may be slightly firm or slightly ragged or slightly soft but are not mushy; and not more than 10 percent, by count, of the units may possess a fairly good character. One unit in a container is permitted to have a fairly good character if one unit exceeds the allowance of 10 percent, by count: *Provided*, That in all containers comprising the sample the units with fairly good character do not exceed an average of 10 percent, by count, of the total number of units.

(3) *Slices, diced.* The product generally possesses a texture typical of properly ripened pears that are properly prepared and processed and not more than 15 percent, by weight, of the drained pears may be disintegrated or mushy.

(d) (C) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned pears that possess a fairly good character may be given a score of 21 to 23 points. Canned pears that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles of canned pears:

(1) *Halves; quarters; mixed pieces of irregular sizes and shapes.* The units possess a texture of properly processed pears which may be variable; the units may possess a texture of marked graininess; the units may be lacking uniformity of tenderness; the units may be markedly firm or markedly ragged with frayed edges or may be soft; and not more than 10 percent, by weight, of the drained pears may be mushy or consist of units with hard-calyx ends or units that are not tender.

(2) *Whole.* The units possess a texture of properly processed pears which may be variable; the units may possess a texture of marked graininess; the units may be lacking uniformity of tenderness; the units may be markedly firm or markedly ragged or soft; and not more than 10 percent, by count, of the units may be mushy or consist of units with hard-calyx ends or units that are not tender. One unit in a container is permitted to be mushy or possess hard-calyx ends or not tender: *Provided*, That in all containers comprising the sample, all of such units do not exceed an average of 10 percent, by count, of the total number of units.

(3) *Slices; diced.* The product generally possesses a texture typical of properly prepared and processed pears and not more than 20 percent, by weight, of the drained pears may be disintegrated or mushy.

(e) *(SStd) classification.* Halves, quarters, slices, diced, whole, and mixed pieces of irregular sizes and shapes of

canned pears that fail to meet the requirements of paragraph (d) of this section or that are "not tender" may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned pears that are "not tender" are also "Below Standard in Quality—Not Tender."

LOT COMPLIANCE

§ 52.1624 Ascertaining the grade of a lot.

The grade of a lot of canned pears covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.1625 Score sheet for canned pears.

Size and kind of container.....		
Container mark or identification.....		
Label.....		
Net weight (ounces).....		
Vacuum (inches).....		
Drained weight (ounces).....		
Styles.....		
<input type="checkbox"/> Halves <input type="checkbox"/> Quarters <input type="checkbox"/> Whole <input type="checkbox"/> Sliced <input type="checkbox"/> Diced <input type="checkbox"/> Mixed pieces ¹		
Count.....		
Brix measurement.....		
Sirup designation (extra heavy, heavy, etc.).....		
Factors	Score points	
Color.....	20	(A) 18-20 (B) 16-17 (C) 14-15 (SStd) 10-13 (A) 18-20 (B) 16-17 (C) 14-15 (SStd) 10-13 (A) 27-30 (B) 24-26 (C) 21-23 (SStd) 20-23 (A) 27-30 (B) 24-26 (C) 21-23 (SStd) 20-23
Uniformity of size and symmetry.....	20	
Absence of defects.....	30	
Character.....	30	
Total score.....	100	
Flavor and odor () Normal () Off.....		
Grade.....		

¹ Limited to Grade B, or lower.

² Partial limiting rule (mixed pieces style).

³ Limiting rule.

The United States Standards for Grades of Canned Pears (which is the fifth issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Canned Pears (7 CFR Part 52) which have been in effect since December 1, 1951.

Dated: July 16, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63-7620; Filed, July 22, 1963;
8:45 a.m.]

No. 142—2

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 970—CARROTS GROWN IN SOUTH TEXAS

Order Amending Order

§ 970.0 Findings and determinations.

The findings and determinations, hereinafter set forth, are supplementary and in addition to the findings and determinations in connection with the issuance of the order, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at McAllen, Texas, on October 10, 1962, upon proposed amendments to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in south Texas. On the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The marketing agreement and the order, as both are hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to carrots produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such carrots above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such carrots as will be in the public interest;

(2) The marketing agreement and the order, as both are hereby amended, regulate the handling of carrots grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a mar-

keting agreement upon which hearings have been held;

(3) The said marketing agreement and the order, as both are hereby amended, are limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and the order, as both are hereby amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of carrots grown in the production area; and

(5) All handling of carrots as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping carrots covered by the order) who during the representative period (June 1, 1962-May 31, 1963) handled more than 50 percent of the volume of carrots covered by the order have signed the marketing agreement, as amended, regulating the handling of carrots grown in the production area, and

(2) The issuance of this order amending the order is approved or favored (i) by at least two-thirds of the producers of carrots who participated in a referendum held during the period June 1-8, 1963, and who, during the determined representative period (June 1, 1962-May 31, 1963) were engaged within the production area in the production of carrots for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such carrots produced for market within the production area.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of carrots grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of said order, and as hereby amended as follows:

1. Amend § 970.5 *Carrots* to read as follows:

§ 970.5 Carrots.

"Carrots" means all varieties of *Daucus carota*, commonly known as carrots and unless otherwise specified, grown within the production area.

2. Amend § 970.8 *Registered handler* to read as follows:

§ 970.8 Registered handler.

"Registered handler" means any person who has adequate facilities within

the production area for preparing carrots for market or who has access to such facilities, and who is registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary.

3. Amend § 970.31 *Alternate members* to read as follows:

§ 970.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member, alternate, or the committee (in that order) may designate any other alternate member from the same district to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 970.52 [Amendment]

4. Amend § 970.52 *Issuance of regulations* by adding a new subparagraph (5) under paragraph (b) to read as follows:

(5) Establish, through rules and regulations recommended by the committee and approved by the Secretary, holidays by prohibiting the packaging and shipping of carrots on Sundays.

5. Amend § 970.54 *Safeguards* to read as follows:

§ 970.54 Safeguards.

(a) The committee with the approval of the Secretary, may establish through rules such requirements as may be necessary to insure that shipments made pursuant to § 970.53 are handled and used for the purpose stated.

(b) (1) The Committee, with the approval of the Secretary, may establish rules and regulations with respect to carrots packed, but not grown, within the production area which are necessary for maintaining orderly marketing conditions established by regulations issued pursuant to § 970.52. The packing or otherwise preparing for market of such carrots in facilities within the production area shall be a handler function under this part. Such carrots shall be deemed and treated for regulatory purposes as carrots grown in the production area unless they are packed or otherwise prepared for market as a distinct entity subject to determinations in accordance with necessary safeguards specified by rules issued under this section. These safeguards will be for the purpose of insuring that such carrots are not commingled with or represented as carrots grown in the production area.

(2) Such safeguards under the above rules may include, but are not limited to, requirements that each handler of other production area carrots, if he handles them other than under the grade, size, quality, and pack regulations applicable

to South Texas carrots, shall provide proof of production in other than the production area defined in § 970.4 of this part; maintain physical separation and identification of out-of-production area carrots from South Texas carrots throughout the receipt, packing, or other preparation for market; evidence that other than production area carrots are not commingled with carrots grown in the production area, and that such other than production area carrots when packed and marketed are identified by the handlers as to the State or area where grown by labeling or other appropriate means of identification on the containers or packages containing such carrots. Such safeguards may also include authority for requiring each handler to provide certification by the Federal-State Inspection Service, or other designated agency, that the other than production area carrots are so handled as to meet the rules prescribed hereunder.

6. Amend paragraph (e) of § 970.35 *Duties*; § 970.50 *Marketing policy*; and § 970.80 *Reports* to coincide with the proposed amendment of § 970.5 as stated above so that such sections or paragraphs will read as follows:

§ 970.35 Duties.

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to carrots grown in the production area and in competing areas.

§ 970.50 Marketing policy.

(a) At the beginning of season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on supplies of carrots, both grown within the production area and in competing areas, and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season; and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to supplies of carrots grown in the production area and in competing areas for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ 970.80 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of all carrots including those grown within the production area and those grown in competing areas received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such carrots; and (4) identification of the inspection certificates relating to carrots which were handled pursuant to § 970.52, § 970.53, or § 970.54, or any combination thereof.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the carrots received, and of carrots disposed of, irrespective of where such carrots were grown, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. Dated July 18, 1963, to become effective 30 days after publication in the FEDERAL REGISTER:

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-7729; Filed, July 22, 1963; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amtd. 10, Rev 1]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Miscellaneous Amendment

The Loans to State and local Development Companies Regulation (Revision 1, 26 F.R. 1822), as amended, is hereby further amended by:

1. Adding to § 108.1 a new paragraph which reads as follows:

§ 108.1 Policy.

It is the policy of the United States Government to encourage by affirmative action the elimination of discrimination because of race, creed, color, or national origin in employment on work involving Federal financial assistance, to the end that employment opportunities created by Federal funds shall be equally available to all qualified persons. This policy was reaffirmed by the President of the United States in Executive Orders No. 10925 of March 6, 1961 (26 F.R. 1977) and No. 11114 of June 23, 1963 (28 F.R. 6485) and will be carried out by the Small Business Administration as a condition of approval of any loan which may involve a construction contract.

2. Inserting a new paragraph (h) to § 108.2 which reads as follows:

§ 108.2 Definitions.

(h) "Construction contract" as used herein means any contract entered into by the development company for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

3. Inserting a new paragraph (d) to § 108.3 which reads as follows:

§ 108.3 Procedures for loan applications.

(d) *Nondiscrimination.* An Application for a Section 502 Loan which will be used to pay for a construction contract in whole or in part, including repayment of interim financing, shall be accompanied by Applicant's Agreement of Compliance (SBA Form 601).¹

4. Inserting a new paragraph (k) to § 108.502-1 which reads as follows:

§ 108.502-1 Section 502 loans.

(k) *Compliance.* All complaints alleging discrimination in construction contracts involving the use of Section 502 loan proceeds shall be investigated by SBA. Complaints alleging discrimination must be filed with SBA within 90 days of the alleged discrimination.

SBA may hold informal hearings and make findings regarding the allegation of discrimination in accord with the rules of the President's Committee on Equal Employment Opportunity. In the event that SBA finds discrimination to have occurred, it may cancel loans approved but not disbursed to an applicant, it may refuse to make further disbursement on

account of the loan or it may accelerate the maturity of the Note between Borrower and SBA, or it may take any action of a lesser nature. Failure of SBA to invoke or assert any of the aforesaid sanctions, or any other sanctions, shall not be construed to be a waiver of SBA's right to assert any of such sanctions.

These regulations become effective on and after July 22, 1963.

Dated: July 19, 1963.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 63-7781; Filed, July 22, 1963; 9:22 a.m.]

[Amdt. 1, Rev. 2]

PART 122—BUSINESS LOANS

Miscellaneous Amendments

The Small Business Administration is amending its Business Loan Regulation in accordance with the directive of Executive Order 11114 in which discrimination in construction contracts performed by or with Federal Financial Assistance is prohibited.

The Small Business Administration Business Loan Regulation, Revision 2, as corrected (13 CFR Part 122, 28 F.R. 6823 and 7124) is hereby amended as follows:

1. Renumber existing paragraph §122.1 (d) as § 122.1(e). Insert new paragraph § 122.1(d) which reads as follows:

(d) It is the policy of the United States Government and of the Small Business Administration to encourage by affirmative action the elimination of discrimination because of race, creed, color, or national origin in employment opportunities created by construction contracts involving Federal Financial Assistance.

2. Add the following definition to renumbered § 122.1(e):

"Construction contract" means any contract or subcontract for the alteration, rehabilitation, construction, conversion, extension, or repairing of buildings, highways, or other improvements to real property.

3. Add new § 122.1(f) as follows:

(f) Applicants for financial assistance are required to execute the Small Business Administration's "Applicant's Agreement of Compliance", SBA Form 601¹ and, as therein provided, shall cooperate with the Small Business Administration in fostering non-discrimination in employment opportunities.

4. New § 122.1(g) shall be added as follows:

¹ Filed with the Federal Register Office as part of the original document. Copies of SBA Form 601 are available at the Office of the Deputy Administrator for Financial Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which Officers may be obtained from the Office of the Deputy Administrator for Financial Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(g) All complaints alleging discrimination in construction contracts performed by or with financial assistance shall be investigated by the Small Business Administration. Complaints alleging discrimination must be filed with the Small Business Administration within 90 days of the alleged discrimination. The Small Business Administration may hold informal hearings and make findings regarding the allegation of discrimination in accord with the rules of the President's Committee on Equal Opportunity. In the event that the Small Business Administration finds discrimination to have occurred, it may cancel loans approved but not disbursed to an applicant, it may refuse to make further disbursements on account of the loan, it may accelerate the maturity of the Note between Borrower and SBA, or it may take any action of a lesser nature. Failure of the Small Business Administration to invoke or assert any of the aforesaid sanctions, or any other sanctions, shall not be construed to be a waiver of SBA's right to assert any of such sanctions.

This Amendment is effective July 22, 1963.

Dated: July 19, 1963.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 63-7782; Filed, July 22, 1963; 9:23 a.m.]

[Amdt. 1, Rev. 3]

PART 123—DISASTER LOANS

Miscellaneous Amendments

The Small Business Administration is amending its Disaster Loan Regulation in accordance with the directive of Executive Order 11114 in which discrimination in construction contracts performed by or with Federal Financial Assistance is prohibited.

The Small Business Administration Disaster Loan Regulation, Revision 3 (13 CFR, Part 123, 28 F.R. 7078) is hereby amended by adding the following provisions to § 123.5(c) and to § 123.10(c):

1. Add the following sentence to § 123.5(c): "The policy of SBA as to non-discrimination because of race, creed, color or national origin in employment opportunities resulting from Federal Financial Assistance, and as specifically set forth in § 122.1 (d), (e), (f), and (g), shall apply to all applicants for Displaced Business Disaster Loans in which construction contracts are involved.

2. Add to § 123.10(c) a subparagraph (8):

(8) If such loan results in the alteration, rehabilitation, construction, conversion, extension, or repairing of buildings or other improvements to real property, then applicant shall also furnish the "Applicant's Agreement of Compliance".¹ (See § 122.1(f) of this chapter.)

¹ Filed as part of the original document.

¹ Form filed with the Federal Register Office. Copies of SBA Form 601 are available at the office of the Deputy Administrator, Investment Division of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Deputy Administrator, Investment Division, Small Business Administration.

This amendment is effective July 22, 1963.

Dated: July 19, 1963.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 63-7783; Filed, July 22, 1963;
9:23 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket Nos. 62-CE-66, 63-CE-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway and Associated Control Areas

On April 2, 1963, and April 12, 1963, notices of proposed rule making were published in the FEDERAL REGISTER (28 F.R. 3181 and 3588), stating that the Federal Aviation Agency (FAA) proposed to alter VOR Federal airway No. 82 in the Milwaukee, Wis., area and to designate a north alternate to Victor 82 from Bemidji, Minn., to Grand Forks, N. Dak.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted. The Air Transport Association of America concurred with the proposed actions and no other comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notices, the following actions are taken:

In § 71.123 (27 F.R. 220-6, November 10, 1962, 28 F.R. 907) V-82 is amended to read:

V-82 From Grand Forks, N. Dak., via Bemidji, Minn., including an N alternate via INT of Grand Forks 066° and Bemidji 303° radials; Brainerd, Minn.; Minneapolis, Minn.; Farmington, Minn.; Rochester, Minn., including an S alternate from Minneapolis to Rochester via INT of Minneapolis 188° and Rochester 319° radials; Nodine, Minn.; Dells, Wis.; INT of Dells 097° and Timmerman, Wis., 322° radials (14-mile-wide airway from 45 nmi from Dells to INT of Dells 097° and Timmerman 322° radials); to Timmerman (8-mile-wide airway from INT of Dells 097° and Timmerman 322° radials to Timmerman).

These amendments shall become effective 0001 e.s.t., September 19, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-7693; Filed, July 22, 1963;
8:45 a.m.]

[Airspace Docket No. 62-EA-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Segment of Federal Airway and Its Associated Control Areas and Alteration of Control Area Extensions

On March 19, 1963, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (28 F.R. 2688) stating that the Federal Aviation Agency proposed to revoke the segment of VOR Federal airway No. 59 and its associated control areas from Newcomerstown, Ohio, to Cleveland, Ohio, and to alter the Akron, Ohio, and Cincinnati, Ohio, control area extensions.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and no adverse comments were received.

The substance of the proposed amendments having been published, therefore, and for the reasons stated in the Notice, the following actions are taken:

1. In § 71.123 (27 F.R. 220-6, November 10, 1962) V-59 is amended to read:

V-59 From Pulaski, Va., via Beckley, W. Va.; Parkersburg, W. Va.; to Newcomerstown, Ohio.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962) the Akron, Ohio, and Cincinnati, Ohio, control area extensions are amended as follows:

a. The Akron, Ohio, control area extension is amended to read:

AKRON, OHIO

That airspace bounded on the E by the Pittsburgh, Pa., control area extension, on the S by V-210 and on the NW by V-43.

b. In the Cincinnati, Ohio, control area extension "to its INT with V-59, thence SE via V-59 to its INT with V-144," is deleted and "to latitude 40°24'00" N., longitude 81°40'00" W.; thence to latitude 40°12'30" N., longitude 81°33'30" W." is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 19, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-7694; Filed, July 22, 1963;
8:45 a.m.]

[Airspace Docket No. 63-WA-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation, Revocation and Alteration of Reporting Points

The purpose of these amendments to § 71.201 of the Federal Aviation Regulations is to revoke, designate and alter reporting points.

Air traffic control requirements periodically change with regard to specific reporting points due to alteration of procedures or airway configurations. Recent changes of this nature obviate the requirement for the Baltimore, Md., VORTAC and Sheppards, Va., INT as reporting points and require that the Norris, Pa., INT, Martinsburg, W. Va., VORTAC, Hampton, Pa., INT, Patuxent, Md., VOR, Kinston, N.C., VOR Rocky Mount, N.C., VOR and Lynchburg, Va., VOR be designated. Therefore, action is taken herein to revoke, designate and alter these reporting points, as appropriate.

Since these amendments are procedural in nature and do not assign or reassign the navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, the following changes are made in § 71.203 (27 F.R. 220-157, November 10, 1962):

1. "Baltimore, Md." is deleted.
2. "Sheppards INT: INT Gordonsville, Va., 207°, Flat Rock, Va., 257° radials." is deleted.
3. "Norris INT: INT Westchester, Pa., 250°, Lancaster, Pa., 178° radials; V-3 SW bound, V-875 SW bound." is added.
4. "Martinsburg, W. Va.: V-8, V-44." is deleted and "Martinsburg, W. Va.: V-8, V-44, V-166, V-855, V-251 SW bound." is added.
5. "Hampton INT: INT Harrisburg, Pa., 196°, Lancaster, Pa., 255° radials; V-223 S bound, V-265 S bound." is added.
6. "Patuxent, Md." is added.
7. "Kinston, N.C.: V-1, V-1W, V-157." is added.
8. "Rocky Mount, N.C.: V-157 N bound, V-213 N bound." is added.
9. "Lynchburg, Va." is added.

These amendments shall become effective 0001 e.s.t., September 19, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 16, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-7696; Filed, July 22, 1963;
8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 1769; Amdt. 588]

PART 507—AIRWORTHINESS DIRECTIVES

De Havilland Model DH 114 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of the bolt attaching the flap jack attachment shackle to the wing with a bolt of a new design on de Havil-

land Model DH 114 aircraft, was published in 28 F.R. 5310.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to all model DH 114 aircraft.

Compliance required within 200 hours' time in service after the effective date of this AD.

Because of instances of fatigue failure of the bolt, P/N 4W.1121, which attaches the flap jack attachment shackle to the wing, replace the bolt with a new special bolt P/N 14W.5835 in accordance with a de Havilland Heron Modification No. 1498.

(De Havilland TNS Series Heron (114) No. C.F. 7 Issue 1 dated December 31, 1962, and de Havilland Modification News Sheet No. Heron 1498 dated January 1, 1963, cover this subject.)

This amendment shall become effective August 22, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a); 1421, 1423)

Issued in Washington, D.C., on July 17, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-7692; Filed, July 22, 1963; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Records of Cash Commodity and Futures Transactions

On June 4, 1963, there was published in the FEDERAL REGISTER (28 F.R. 5477) a notice of rulemaking concerning proposed amendments of § 1.35 of the general regulations (17 CFR 1.35) under the Commodity Exchange Act, as amended and supplemented (7 U.S.C. 1 et seq.). After consideration of all relevant matters presented in connection with the notice and under the authority of sections 4, 4g, 5 and 8a of said act (7 U.S.C. 6, 6g, 7, 12a), § 1.35 of said regulations is hereby amended to read as follows:

§ 1.35 Records of cash commodity and futures transactions.

(a) *Futures commission merchants and members of contract markets.* Each futures commission merchant and each member of a contract market shall keep full, complete, and systematic records, together with all pertinent data and memoranda, of all transactions relating

to his business of dealing in commodity futures and cash commodities. He shall retain the required records, data and memoranda in accordance with the requirements of § 1.31, and shall produce them for inspection and shall furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the United States Department of Agriculture or the United States Department of Justice. Included among such records shall be all orders (filled, unfilled, or canceled), trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, copies of statements of purchase and sale and all other records, data and memoranda which have been prepared in the course of his business of dealing in commodity futures and cash commodities.

(b) *Futures commission' merchants and clearing members of contract markets.* Each futures commission merchant and each clearing member of a contract market shall, as a minimum requirement, prepare regularly and promptly, and keep systematically and in permanent form, the following:

(1) A financial ledger record which will show separately for each customer all charges against and credits to such customer's account, including but not limited to funds or securities deposited, withdrawn, or transferred, and charges or credits resulting from losses or gains on closed transactions;

(2) A record of transactions which will show separately for each account (including house accounts) all commodity futures transactions executed for such account, including the date, price, quantity, market, commodity, and future; and

(3) A record or journal which will show separately for each business day complete details of all commodity futures transactions executed on that day, including the date, price, quantity, market, commodity, future, and the person for whom such transaction was made.

(c) *Clearing members of contract markets.* In the daily record or journal required to be kept under paragraph (b) (3) of this section, each clearing member of a contract market shall also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made.

(d) *Members of contract markets—*
(1) *Pit or ring trading.* Each member of a contract market who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, executes purchases or sales of any commodity for future delivery on or subject to the rules of such contract market, shall prepare regularly and promptly a trading card or other record showing such purchases and sales. Such trading card or record shall show his own name, the name of the member firm clearing the trade, the date, price, quantity, commodity, and future, and shall clearly identify the opposite floor broker or other person with whom such transaction was executed and the opposite clearing mem-

ber (if, in accordance with the rules or practice of the contract market such opposite clearing member is made known to him).

(2) *Board trading.* Where such trading is conducted by the posting of bids and offers on a board and the acceptance of such bids and offers is posted in the same manner, and a record thereof is made and is retained by a contract market in a form and manner approved by the Secretary of Agriculture, no trading card or similar record need be prepared. If, however, a trading card or similar record is prepared on such transactions, it shall be retained in accordance with the requirements of § 1.31.

(3) The trading card or other record required to be kept under paragraphs (d) (1) and (d) (2) of this section shall be retained by the executing member: *Provided, however,* That if in accordance with the rules of the contract market upon which such transaction was executed, or the uniform custom or usage prevailing upon such market, such trading cards or records are regularly retained by the clearing members or by the contract market, such rule, custom or usage may be followed.

(Secs. 4, 5, 42 Stat. 999, as amended, 1000, as amended, secs. 4g, 8a, added 49 Stat. 1496, 1500, as amended; 7 U.S.C. 6, 7, 6g, 12a)

The changes in § 1.35(a) are to eliminate the restriction of the recordkeeping requirement in the present regulation to transactions made on or subject to a board of trade, to express clearly the intent that the term "transactions" as used in said paragraph is not restricted to completed or executed transactions, and otherwise to clarify said paragraph. Further, the requirement concerning access to the information required by the regulation has been changed to conform the regulation to the recordkeeping provisions of the act. Section 1.35 (b) and (c) are not changed in any respect. Section 1.35(d) is added to require the preparation of a trading card or similar record and specifies the information which must be recorded thereon.

The foregoing amendments are the same as set forth in the notice of rule-making except for minor changes adopted pursuant to comments submitted in connection with such notice. It appears that further notice and other public procedure on the amendments would not make additional information available to this Department. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice and public procedure on the amendments are impracticable.

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of July 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-7707; Filed, July 22, 1963; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55941]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Consolidation of Customs Forms

In harmony with the policy of the Bureau of Customs to reduce, whenever possible, the number of forms to be used in a single customs transaction, customs Form 4481, which is a notice of intent to export American shooks or staves, or metal drums and other substantial outer containers of foreign manufacture, and customs Form 4479, which is a certificate of exportation of such articles, are being combined. The consolidated form will be entitled "Notice of Intent and Certificate of Exportation of American Shooks or Staves, or Metal Drums and Other Substantial Outer Containers of Foreign Manufacture" and designated as customs Form 4481. The requirement of customs supervision of the exportation of the shooks and staves is also being discontinued.

The Customs Regulations are accordingly amended as follows:

Section 10.5(d) is amended by deleting the second sentence and by inserting "in triplicate" after "file" in the first sentence. The paragraph as amended will read:

(d) An exporter of shooks or staves in respect of which free entry or a reduction in duty is to be claimed when returned as boxes or barrels shall file in triplicate with the collector of customs at the port of exportation, at least 6 hours before the lading of the articles on the exporting vessel, a notice of intent to export, customs Form 4481.

Section 10.5(e) is amended to read as follows:

(e) The certificate of exportation block of customs Form 4481 shall be completed in triplicate by the collector after verification from the manifest of the exporting vessel and the return of the lading officer. The original shall be forwarded by the collector to the consignee. The duplicate copy shall be given to the exporter and the triplicate copy shall be retained.

Section 10.5 (f) and (g) is amended by substituting form number "4481" for "4479" each time it appears.

Section 10.7(b) is amended by deleting "except that the notice of intent shall be on customs Form 4481 and the certificate of exportation issued by the collector of customs on customs Form "4479" from the first sentence. The sentence as amended will read: "Steel boxes, casks, barrels, carboys, bags, quicksilver flasks or bottles, metal drums, and other substantial outer containers of foreign manufacture, if actually exported from the United States empty and returned as usual contain-

ers or coverings of merchandise, or exported filled with products of the United States and returned empty or as the usual containers or coverings of merchandise, shall be exempt from duty if (1) exported in accordance with the regulations contained in § 10.5 (d) and (e) and (2) there are filed in connection with the entry a declaration of the importer on customs Form 3289 and a certificate of the foreign shipper in the form prescribed by paragraph (c) of this section."

(R.S. 251, secs. 201 (par. 1615), 1624, 46 Stat. 674 as amended, 759; 19 U.S.C. 66, 1201 (par. 1615), 1624)

The foregoing amendments which contemplate the use of consolidated customs Form 4481 shall become effective when supplies of the consolidated form become available for distribution. The present issues of the forms involved shall continue to be used until the consolidated forms are available.

Collectors of customs shall order necessary quantities of the revised customs Form 4481 from the Customs Information Exchange. Customs Form 4479 is hereby abolished when supplies of the new customs Form 4481 become available.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: July 16, 1963.

JAMES A. REED,
*Assistant Secretary of the
Treasury.*

[F.R. Doc. 63-7717; Filed, July 22, 1963;
8:47 a.m.]

[T.D. 55942]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Articles Returned After Exportation for Repairs, Alterations, or Processing

Currently, collectors of customs are authorized by the provisions of § 10.8(k) of the Customs Regulations to waive the registration requirements in the case of articles exported for repairs, alterations, or processing, upon their return to the United States, when they are satisfied that the returned merchandise is entitled to entry under paragraph 1615(g) (1) or (2), Tariff Act of 1930, as amended, and that the failure to comply with the registration requirements was due to inadvertence, mistake, or inexperience, and not to negligence or bad faith. The purpose of this amendment is to authorize collectors to waive such registration requirements upon application by a prospective exporter-importer prior to exportation when it is indicated the proposed transaction involves a duty of less than \$25 if not within the purview of paragraph 1615(g) (1) or (2), Tariff Act of 1930, as amended, and it is indicated that the shipment on its return to the United States will be covered by a mail or other informal entry.

Accordingly, § 10.8(k) is hereby amended by adding at the end thereof the following: "Collectors may, in their

discretion, also waive the registration requirements of this section prior to exportation of the articles upon application in writing by an exporter-importer located within their district when it is indicated that the duty on the merchandise would be less than \$25 if not within the purview of paragraph 1615(g) (1) or (2), as amended, and it is indicated that the shipment on its return to the United States will be covered by a mail or other informal entry. Customs Form 4455, appropriately modified, may be used by collectors in issuing the waiver."

(Sec. 201 (par. 1615), 624, 46 Stat. 674, as amended, 759; 19 U.S.C. 1201 (par. 1615), 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: July 16, 1963.

JAMES A. REED
Assistant Secretary of the Treasury.

[F.R. Doc. 63-7718; Filed, July 22, 1963;
8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Cold-Pack Cheese Foods; Notice of Objection to Order Ruling Against Proposed Guar Gum Amendment and Confirming Effective Date of Amendment Concerning Propri- onates

In the matter of amending the definitions and standards of identity for § 19.788 *Cold-pack cheese food* * * * and § 19.788 *Cold-pack cheese food with fruits, vegetables, or meats* * * *:

In accordance with the provisions of the Federal Food, Drug and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371), the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), promulgated an order in the FEDERAL REGISTER of May 4, 1963 (28 F.R. 4508), which:

1. Amended §§ 19.787 and 19.788 to provide for the optional use of propionates to retard mold growth in consumer-sized packages of these cheese foods.

2. Ruled that the standard of identity for cold-pack cheese food should not be amended to permit the use of guar gum as an optional ingredient.

Notice is hereby given that no objections were received in regard to the optional use of propionates. Accordingly, the amendment allowing their use became effective July 3, 1963.

In regard to guar gum, an objection to the order, which included a request for a hearing, was received. In accordance with the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act, the Commissioner will, as soon as practicable, announce a public hearing for the purpose of receiving evidence relevant and material to the issue of whether amending the standard for cold-pack cheese food to make guar gum a permitted optional ingredient will promote honesty and fair dealing in the interest of consumers.

(Secs. 401, 701, 52 Stat. 1046, 1055; as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: July 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-7713; Filed, July 22, 1963;
8:47 a.m.]

PART 45—OLEOMARGARINE, MARGARINE; DEFINITION AND STANDARD OF IDENTITY

Oleomargarine; Order Amending Identity Standard by Adding Potassium Sorbate to the List of Optional Preservative Ingredients

In the matter of amending the standard of identity for oleomargarine by listing potassium sorbate in an amount not exceeding 0.1 percent as a permitted optional mold-inhibiting ingredient:

No comments were received in response to the notice of proposed rule-making in the above-identified matter published in the FEDERAL REGISTER of June 1, 1963 (28 F.R. 5432). In consideration of the information furnished in the petition and of other relevant information available, it is concluded that the proposed amendments, modified to be less restrictive, should be adopted.

The proposal provided that the potassium sorbate would be added by incorporating it in the milk ingredient used. The identity standard includes a provision for making oleomargarine without a milk ingredient. It is concluded that the amendment should not be so worded as to exclude permission for using potassium sorbate in such oleomargarine. This purpose can be achieved by omitting the phrase "incorporated in the milk ingredient used." The label declaration set out in the proposal was "Potassium sorbate added as a preservative." Potassium sorbate added to oleomargarine retards the growth of mold on the food. It is reasonable to enlarge the amendment concerning label declaration to provide that as an alternative to the declaration "Potassium sorbate added as a preservative" the label may state "Potassium sorbate added to retard mold growth."

It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for oleomargarine as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52

Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (25 F.R. 8625): *It is ordered*, That § 45.1 *Oleomargarine, margarine* *** be amended:

1. By adding to paragraph (a)(3) a new subdivision (xi) reading:

(xi) Potassium sorbate, in an amount not to exceed 0.1 percent by weight of the finished oleomargarine.

2. By adding to paragraph (b)(1), at the end of the list of labeling requirements, a new sentence reading:

Subparagraph (3)(xi)—"Potassium sorbate added as a preservative" or "Potassium sorbate added to retard mold growth."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed preferably in quintuplicate.

Effective date. This order shall become effective 45 days from the date of its publication in the FEDERAL REGISTER except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-7721; Filed, July 22, 1963;
8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Definitions and Interpretations

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 68 Stat. 511, 52 Stat. 1055 as amended; 21 U.S.C. 346a, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.1(j)

a new subparagraph (6), reading as follows:

§ 120.1 Definitions and interpretations.

(j) ***

(6) Where a tolerance is established on a root vegetable including tops or with tops, and the tops and the roots are marketed together, they shall be analyzed separately and neither the pesticide residues on the roots nor the pesticide residues on the tops shall exceed the tolerance level.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment effected is interpretative in nature and serves to clarify existing regulations.

Effective date. This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Secs. 408, 701, 68 Stat. 511, 52 Stat. 1055 as amended; 21 U.S.C. 346a, 371)

Dated: July 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-7712; Filed, July 22, 1963;
8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Certification of Antibiotic-Containing Drugs; Statement of Policy

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended 61 Stat. 11, 67 Stat. 389, 63 Stat. 409, 76 Stat. 785, 786, 787; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the general regulations for the certification of antibiotic and antibiotic-containing drugs are amended by adding to Part 146 the following statement of policy:

§ 146.31 Certification of antibiotic-containing drugs; statement of policy.

(a) Prior to the enactment of the 1962 amendments to the Federal Food, Drug, and Cosmetic Act, the only antibiotic drugs required to be submitted to the Food and Drug Administration for certification were those containing penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative of one of these antibiotics. Scientific proof of safety and efficacy was required. In the case of a drug containing any other antibiotic, it was necessary, unless the drug was then considered to be generally recognized as safe, that the applicant submit proof of safety under the new-drug provisions of the act. Furthermore, prior to enactment of the 1962 amendments, a number of these drugs had been declared no longer new drugs, since they had become generally

recognized as being safe for their intended uses. As a result, there are now on the market antibiotic-containing drugs with labeling claims that, in the opinion of the Administration, are not supported by available medical data. This is particularly true for drugs such as troches, nose drops, mouth washes, and deodorants intended for use by the laity.

(b) Antibiotic drugs not subject to certification prior to May 1, 1963, therefore fall into two categories:

(1) Drugs for which, prior to their being marketed, the manufacturers applied for and obtained effective new-drug applications under the provisions of section 505 of the act.

(2) Drugs not cleared through the new-drug procedures prior to their being marketed.

(c) Under the provisions of the 1962 amendments, drugs described in paragraph (b) (1) of this section are exempt from an affirmative finding of efficacy for the conditions covered by the prior approval of the new-drug application, and the initial regulations listing them for certification for such conditions may not be withdrawn for lack of proof of efficacy until October 9, 1964. The deferred effective date as to efficacy does not apply to the drugs described in paragraph (b) (2) of this section.

(1) The Food and Drug Administration is now drafting regulations to provide for the certification of the drugs in paragraph (b) (1) of this section. Samples will be accepted from any manufacturer or repacker of a drug described in such regulations with a view to certification if the drug meets the requirements of the regulations or, pending the effective date of such regulations, with a view to release as provided in section 507(a) of the act. Thus, each manufacturer or repacker of a drug described in paragraph (b) (1) of this section need not hold an effective new-drug application for the drug in order to qualify for certification, but all such drugs will be certified only with the claims for those conditions for which the drugs were found to be safe under the new-drug procedures. If a regulation providing for the certification of a drug in paragraph (b) (1) has not been revoked before October 9, 1964, it will be revoked after that date unless the Commissioner of Food and Drugs has received substantial evidence to support the claims of effectiveness.

(2) The Commissioner does not intend to issue regulations to provide for the certification of any drug covered by paragraph (b) (2) of this section until he has received substantial evidence to support such regulations. A drug in this group, even though marketed before October 10, 1962, may not now be marketed until an appropriate regulation has issued and the drug has been certified or the drug has been released as provided in section 507(a) of the act. To permit orderly transition to the certification requirements, the Commissioner will continue to accept samples of a drug in this group with a view to release of batches as provided in section 507(a) of

the act, provided the manufacturer submits to the Food and Drug Administration within 45 days of publication of this statement in the FEDERAL REGISTER, evidence to support the claims for such drugs.

(Sec. 507, 59 Stat. 463 as amended 61 Stat. 11, 67 Stat. 389, 63 Stat. 409, 76 Stat. 785, 786, 787; 21 U.S.C. 357)

Dated: July 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-7722; Filed, July 22, 1963;
8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Subpart G—Treaties and Other International Agreements

The Commission having under consideration the desirability of making certain editorial changes in Part 2, Subpart G of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5) (d) (1) and 303(r) of the Communications Act of 1934, as amended, and § 0.341(a) of the Commission's rules;

It is ordered, This 12th day of July 1963, that, effective July 22, 1963, Part

2, Subpart G is amended as set forth below.

Released: July 12, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Subpart G is revised to read as follows:

Subpart G—Treaties and Other International Agreements

Sec.
2.601 General.
2.602 Citation abbreviations used in this subpart.
2.603 Treaties and other international agreements relating to radio.

AUTHORITY: §§ 2.601 to 2.603 issued under secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

§ 2.601 General.

This subpart is corrected to July 10, 1963. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

§ 2.602 Citation abbreviations used in this subpart.

Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923-1937 (compiled under S. Res. No. 132, 75th Cong., 1st Sess.).

For. Rel.—Papers relating to the Foreign Relations of the United States, 1929.

Stat.—United States Statutes at Large.

UST—United States Treaties and Other International Agreements.

TS—Treaty Series.

EAS—Executive Agreement Series.

TIAS—Treaties and Other International Acts Series.

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party are listed below:

Date	Citations	Subject
1925-----	IV Trenwith 4248, 4250 and 4251. TS 724-A.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1925.
1928 and 1929....	1929 For. Rel. vol. II, p. 114. TS 767-A.	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This arrangement is continued by the arrangement contained in EAS 62.
1929-----	IV Trenwith 4787. TS 777-A.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1934-----	48 Stat. 1876. EAS 62.	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934-----	49 Stat. 3555. EAS 66.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16 and May 23, 1934. Entered into force May 23, 1934.
1934-----	49 Stat. 3667. EAS 72.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937-----	53 Stat. 1576. TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference). Entered into force for the United States July 21, 1938 for Parts I, III and IV; Apr. 17, 1939 for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1953 (TIAS 4079).

No.	Date	Citations	Subject
1033	1933	54 Stat. 1075 TS 940.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1933. Entered into force Oct. 8, 1939.
1033	1933	53 Stat. 2092 EAS 142.	US-Canada Agreement regarding Radio Communications between Alaska and British Columbia. Effected by exchange of notes at Washington June, July, Aug., Sept., Oct., Nov., and Dec. 1933. Entered into force Aug. 1, 1938.
1033	1933	53 Stat. 2157 EAS 143.	US-Canada Agreement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1940	1940	54 Stat. 2483 EAS 196.	US-Mexico Agreement relating to Radio Broadcasting. Effected by exchange of notes at Mexico Aug. 24 and 28, 1940. Entered into force Sept. 1, 1940.
1946	1946	50 Stat. 1003 TIAS 1627.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	1947	61 Stat. (3) 3131 TIAS 1652.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 19, 1947. Entered into force Oct. 19, 1947.
1947	1947	61 Stat. (4) 3410 TIAS 1676.	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 20, 1947. Entered into force Nov. 21, 1947. By an exchange of notes between the United States Representative to the United Nations and the Secretary General of the UN.
1947	1947	61 Stat. (4) 3800 TIAS 1720.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 16, 1947. Entered into force Oct. 15, 1947.
1948	1948	9 UST 621 TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 9, 1948. Entered into force Mar. 17, 1958.
1948	1948	3 UST (3) 3450 TIAS 2406.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 10, 1948. Entered into force Nov. 19, 1952.
1949	1949	3 UST (2) 2686 TIAS 2435.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. This agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	1949	3 UST (3) 3004 TIAS 2439.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1950	1950	3 UST (2) 2672 TIAS 2433.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950	1950	11 UST 413 TIAS 4460.	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 16, 1950. Entered into force Apr. 16, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1950 and 1951	1950 and 1951	2 UST (1) 683 TIAS 2222.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951.
1951	1951	3 UST (3) 3787 TIAS 2506.	US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 16, 1952.
1951	1951	3 UST (2) 2860 TIAS 2459.	US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 40 and 18, 1951. Entered into force Dec. 18, 1951.
1951 and 1952	1951 and 1952	3 UST (3) 3892 TIAS 2520.	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951 and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	1952	3 UST (3) 4443 TIAS 2594.	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	1952	3 UST (4) 4926 TIAS 2656.	US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. An agreement applies to vessels of all countries as provided for in Article 1. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	1952	3 UST (4) 5140 TIAS 2705.	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London Aug. 12, 1949.
	1953	5 UST (3) 2840 TIAS 3133.	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
	1953	7 UST 2179 TIAS 3617.	US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 10 and Aug. 1, 1953. Entered into force Sept. 1, 1956.
	1956	7 UST 2839 TIAS 3655.	US-Costa Rica Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 16, 1956. Entered into force Oct. 16, 1956.
	1956	7 UST 3159 TIAS 3694.	US-Nicaragua Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
	1957	12 UST 794 TIAS 4777.	US-Mexico Agreement regarding Radio Broadcasting in the Standard Broadcast Band. Signed at Mexico Jan. 29, 1957. Entered into force June 9, 1961.
	1957	9 UST 1037 TIAS 4070.	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Office of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TIS-338). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
	1958	9 UST 1001 TIAS 4089.	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958.
	1958	10 UST 2422 TIAS 4360.	Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Mar. 1, 1960.
	1959	10 UST 1449 TIAS 4206.	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959.
	1959 and 1960	11 UST 257 TIAS 4442.	US-Honduras Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
	1959	10 UST 3019 TIAS 4594.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.
	1959	12 UST 1761 TIAS 4592.	International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961.
	1959	12 UST 2377 TIAS 4593.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961.
	1960	11 UST 1 TIAS 4390.	US-Haiti Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
	1960	11 UST 2229 TIAS 4596.	US-Paraguay Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31 and Oct. 6, 1960. Entered into force Nov. 5, 1960.
	1961	12 UST 1695 TIAS 4588.	US-Bolivia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
	1962	13 UST 997 TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
	1962	13 UST 411 TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 6, 1962.
	1962	TIAS 5256.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962.
	1963	TIAS 5550.	US-Dominican Republic Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.

RULES AND REGULATIONS

(b) With respect to its relations with several countries, the United States is bound by certain superseded treaties and agreements because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. These include the following:

Date	Citations	Subject
1912	38 Stat. 1672. TS 531.	International Radiotelegraph Convention. Signed at London July 5, 1912. Entered into force July 1, 1913. Superseded by the International Radiotelegraph Convention and General Regulations, Washington, 1927 (TS 767).
1927	45 Stat. 2760. TS 767.	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927. Entered into force Jan. 1, 1929. Superseded by the International Telecommunication Convention and General Radio Regulations, Madrid, 1932 (TS 867).
1932	49 Stat. 2391. TS 867.	International Telecommunication Convention and General Radio Regulations. Signed at Madrid Dec. 9, 1932. Entered into force for the United States June 12, 1934. The General Radio Regulations were replaced by the General Radio Regulations, Cairo Revision, 1938 (TS 948). The Convention was superseded by the International Telecommunication Convention, Atlantic City, 1947 (TIAS 1901).
1937	54 Stat. 2514. EAS 200.	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 18, 1938. This arrangement was replaced by the Inter-American Agreement concerning Radiocommunications, Santiago, 1940 (EAS 231).
1938	54 Stat. 1417. TS 948.	General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunication Convention, Madrid, 1932. Signed at Cairo Apr. 8, 1938. Entered into force Sept. 1, 1939. Superseded by the Radio Regulations, Atlantic City, 1947 (TIAS 1901).
1940	55 Stat. 1482. EAS 231.	Inter-American Radiocommunications Agreement between the United States, Canada, and Other American Republics. Signed at Santiago Jan. 26, 1940. (Second Inter-American Radio Conference.) Entered into force with respect to the United States Feb. 25, 1942. Replaced by the Inter-American Radio Agreement, Washington, 1949 (TIAS 2489).
1947	63 Stat. (2) 1309. TIAS 1901.	International Telecommunication Convention. Signed at Atlantic City Oct. 2, 1947. Entered into force Jan. 1, 1949. Superseded by the International Telecommunication Convention, Buenos Aires, 1952 (TIAS 3266).
1947	63 Stat. (2) 1581. TIAS 1901.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Atlantic City Oct. 2, 1947. Entered into force Jan. 1, 1949, except for those Radio Regulations enumerated in Article 47. (See TIAS 2753.) Superseded by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1949	2 UST (1) 17. TIAS 2175.	Telegraph Regulations (Paris Revision, 1949) Annexed to the International Telecommunication Convention. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 28, 1950. Superseded by the Telegraph Regulations, Geneva Revision, 1958 (TIAS 4390).
1951	3 UST (4) 5520. TIAS 2753.	Extraordinary Administrative Radio Conference Agreement to bring into Force the Table of Frequency Allocations and Other Provisions of the Radio Regulations (Atlantic City, 1947) not Brought into Force Jan. 1, 1949. Signed at Geneva Dec. 3, 1951. Entered into force Mar. 1, 1952. Abrogated by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1952	6 UST 1213. TIAS 3266.	International Telecommunication Convention. Signed at Buenos Aires Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955. Superseded by the International Telecommunication Convention, Geneva, 1959 (TIAS 4892).

(c) The following agreement has been signed by the United States and is included because of its importance:

Date	Subject
1960	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. This convention will enter into force twelve months after the date on which not less than fifteen acceptances, including seven by countries each with not less than one million gross tons of shipping, have been deposited in accordance with Article X.

(d) There are certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission insofar as they involve communications. Among the most important of these are the following which are available from the Secretary General, International Civil Aviation Organization (ICAO), International Aviation Building, 1080 University Street, Montreal, Canada:

Date	Citations	Subject
1944	61 Stat. (2) 1180. TIAS 1591.	International Civil Aviation Convention. Signed at Chicago Dec. 7, 1944. Entered into force Apr. 4, 1947. Amended by the protocols contained in TIAS 3755 and TIAS 5170.
1946 to present		ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.
1946		ICAO Communications Division, Second Session, Montreal.
1949		ICAO Communications Division, Third Session, Montreal.
1951		ICAO Communications Division, Fourth Session, Montreal.
1954		ICAO Communications Division, Fifth Session, Montreal.
1954	8 UST 179. TIAS 3755.	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 14, 1954. Entered into force Dec. 12, 1955.
1957		ICAO Communications Division, Sixth Session, Montreal.
1958		ICAO Communications Division, Special Session, Montreal.
1961		Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 21, 1961. Entered into force July 17, 1962.
1962		ICAO Communications Division, Seventh Session, Montreal.
1963		ICAO Communications Division, Special Session, Montreal.

[F.R. Doc. 63-7669; Filed, July 22, 1963; 8:45 a.m.]

[Docket No. 14729; FCC 63-637]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Allocation of Certain Frequency Bands

1. A notice of proposed rule making in this proceeding was adopted on July 25, 1962 (FCC 62-811), and was published in the FEDERAL REGISTER on July 31, 1962 (27 F.R. 7502). The notice proposed the following changes:

(a) Allocation of the band 10,550-10,680 Mc/s exclusively to the Mobile Service.

(b) Division of the bands 6425-6575, 10,550-10,680 and 11,700-12,200 Mc/s between the common carrier and private mobile services (excluding broadcast services), as follows:

Common carrier mobile services:
6425-6525 Mc/s,
11,700-12,200 Mc/s.

Private mobile services (excluding broadcast services):
6525-6575 Mc/s,
10,650-10,680 Mc/s.

(c) Elimination of existing restrictions on television pickup operations by common carriers in the bands 6425-6525 and 11,700-12,200 Mc/s.

(d) Elimination of the provision in § 4.602(a) of the rules under which the band 7050-7125 Mc/s was reserved for use by communications common carriers to provide television pickup and television STL service to television broadcast stations. (This band will be available to television broadcast stations for assignment to television pickup, television STL and television intercity relay stations.)

(e) Elimination of the band 10550-10680 Mc/s from the frequencies available under § 4.602(a) for assignment to television broadcast stations for television pickup, STL and intercity relay.

(f) The private mobile bands would be available for all mobile purposes, including temporary service between fixed points, such as police "stake outs" or other closed circuit TV operations, to bridge temporary breaks in an established point-to-point microwave communications system, etc. However, such private mobile bands would not be available for auxiliary broadcast uses. Further, the band 6525-6575 Mc/s would not be available in the Business Radio Service.

(g) Prohibition of use of the bands 6525-6575, 10550-10680 and 11700-12200 Mc/s by stations in the aeronautical mobile service.

(h) Adopt four new definitions of stations which would utilize frequencies in the above-mentioned bands: viz., common carrier land, common carrier mobile, operational land and operational mobile stations.

(i) Existing assignments which become out-of-band at the conclusion of this proceeding would be permitted to continue to operate on their presently assigned frequencies on a non-interfer-

ence basis to stations authorized pursuant to the reallocations proposed therein.

2. Timely comments concerning this proposal were filed by 14 interested persons or groups. All of the comments have been carefully considered by the Commission in conjunction with other information pertinent to the proposal, and opposition comments are discussed below.

3. The Kentucky Authority for Educational Television (KAET) recommended that the entire 6425-6575 Mc/s band be reallocated for interconnecting Educational Television broadcast and closed circuit television relay use and that no action be taken concerning the 10550-10680 and 11700-12200 Mc/s bands pending an actual showing of need. The KAET proposals were also recommended, but as an alternate action, by the National Association of Educational Broadcasters (NAEB). NAEB recommended that a delay of one year in resolution of these proceedings be granted in order to permit a study of educational television requirements. Such a delay was also advocated by the National Educational Television and Radio Center (NET) for the same reason.

4. In the judgment of the Commission, however, an adequate portion of the microwave spectrum below 7125 Mc/s is now allocated to, or proposed for, use by educational television interests without considering the band 6425-6575 Mc/s for such use. Interconnection of educational television broadcasting stations may be authorized under the existing rules and regulations within the bands 1990-2110 Mc/s, 2450-2500 Mc/s and 6875-7050 Mc/s. The instant proceeding will make available the 7050-7125 Mc/s band for the same purpose. Further, pursuant to a petition filed by the Alabama Educational Television Commission (RM-335), the Commission adopted a Notice of Proposed Rule Making on December 12, 1962 (Docket No. 14896) which proposed to make available the 1850-1990 Mc/s band for closed circuit television relay and for limited use by educational television broadcast stations. Thus, a total of 560 Mc/s below 7125 Mc/s is either presently available or proposed for the purpose requested by educational television interests. It is further noted that Commission records do not reflect a request for mobile microwave operation by the educational television interests.

5. The Commission's proposals to delete the narrow microwave band 10550-10680 Mc/s from § 4.602(a) and to allocate that band and the 11700-12200 Mc/s band to private mobile and common carrier mobile services respectively, were supported, except by the educational television interests as noted in paragraph 3. The National Association of Broadcasters agreed that little use was being made of the 10550-10680 Mc/s band by broadcasters. A review of the filings by educational television interests in this and previous dockets does not reveal a requirement for bands above approximately 7000 Mc/s.

6. Should a demand develop for educational use of the higher microwave frequencies, closed circuit type of opera-

tions now have the band 12200-12700 Mc/s available. For the interconnection of educational television broadcast stations, the band 12700-13200 Mc/s is now available. In addition, below 20,000 Mc/s the bands 13200-13250 Mc/s, 17700-19300 Mc/s and 19400-19700 Mc/s are available for both educational closed circuit operations and for the interconnection of educational television broadcast stations. Therefore, a total of 2950 megacycles may be utilized between 10 and 20 gigacycles by the educational television interests. For these reasons, the Commission is not persuaded that it is in the public interest to further withhold action in implementing the policies set forth in Docket No. 11866 to allocate the 11700-12200 Mc/s band to the common carrier mobile microwave service and the 10550-10680 Mc/s band to the private mobile microwave services.

7. Comments, filed by the Associated Public Safety Communications Officers, Incorporated (APCO); the City of Los Angeles (Los Angeles); the Association of American Railroads (AAR); and by the Microwave Communication Section of the Electronic Industries Association (EIA), recommend that the 6525-6575 Mc/s band be allocated to fixed use in lieu of mobile as proposed. APCO, AAR and Los Angeles further recommend that at least 70 megacycles of spectrum in the 6425-6575 Mc/s band be made available for operational fixed use in lieu of the 50 Mc/s portion as proposed for private mobile microwave operations. These allocations are allegedly required to provide compensation for the loss of the 10550-10680 Mc/s band to exclusive mobile operation and to meet a need for microwave channels in the 6000 Mc/s range by private users.

8. In the Report and Order to Docket No. 11866, adopted August 6, 1959 (24 F.R. 6442) the Commission stated that, "On the basis of the record in this proceeding, we are of the view that there are now available adequate frequencies above 890 Mc/s to take care of the present and reasonably foreseeable future needs of both the common carriers and private users for point-to-point communication systems * * *". On this finding, it was determined that the 6425-6575 Mc/s band should be made available for mobile use by common carrier and private radio entities in the proportions proposed herein. Subsequent usage of the band, as reflected by assignment records, does not indicate that a change in that determination is warranted at this time. Further, it is the Commission's opinion that a mobile band corresponding to a fixed band in each octave of the spectrum should be provided where possible. In view of the need for mobile spectrum by private services in the lower bands, it appears desirable to provide such a segment. Should a demonstrated need for additional fixed allocations develop at a future date and no mobile requirement materialize in the region, the 6525-6575 Mc/s band may be reallocated accordingly. The possibility of reallocating the band from fixed to mobile operation following entrenchment of fixed assignments would, on the other hand, provide a most formidable task. In view of the above, the Commission is not per-

sued that additional fixed allocation in this portion of the spectrum is justified at this time.

9. Removal of the temporary footnote to § 4.602(a) of the rules which reserved the 7050-7125 Mc/s remote pickup broadcast band for use by common carrier interests in providing television pickup and television STL services was opposed by General Telephone and Electronics (GT&E); American Telephone and Telegraph Company (AT&T); and a joint filing by three common carriers (Upper Peninsula Microwave Company, Microwave of New Mexico, Inc., and Potomac Valley Telecasting Corporation). As stated in the Notice of Proposed Rule Making, exclusive common carrier allocation of the 100 megacycles between 6425 and 6525 Mc/s, which will permit television pickup service to broadcasters, compensates for the deletion of the 75 megacycles between 7050-7125 Mc/s. In the Report and Order to Docket No. 9363, adopted by the Commission on October 5, 1950, the three 7 Gc/s remote pickup broadcast channels were assigned to the common carrier local television transmission service under Part 21 with the following reservation: "If future experience demonstrates that the apportionment adopted herein is not the best one to meet the respective needs of the broadcasters and common carriers, the Commission will, of course, consider proposals for amendment of the rules in this respect". The Commission has, on numerous occasions, particularly within the last year, waived the provisions of the aforementioned footnote to § 4.602 (a) to permit broadcasters access to the channels in the 7050-7125 Mc/s band. It should also be noted that most of the equipment presently utilized for this service is tunable over the range 6425-7400 Mc/s; therefore, little economic hardship should result from the proposal. Consequently, in view of the above and, in consideration of the apparent need by broadcasters, the objections of the common carriers must be rejected.

10. As proposed in the Notice, the 6525-6575 Mc/s and 10550-10680 Mc/s bands are being made available exclusively to mobile stations in the Safety and Special Radio Services, excluding stations in the aeronautical mobile service. Also, licensees in the business radio service will be excluded from the 6525-6575 Mc/s band in accordance with the Commission's policy adopted pursuant to the Docket No. 11866 proceedings. Furthermore, these bands will not be available for direct or indirect auxiliary broadcast use. For example, use of stations in the business radio service by broadcasters to transmit program material in the 10550-10680 Mc/s band will not be permitted. Because the definitions being adopted herein define the stations which will have access to these bands, the parenthetical limitations placed next to these bands in the appendix to the notice of proposed rule making in this proceeding are unnecessary and are, therefore, eliminated.

11. The Commission originally proposed to permit existing assignments which would become out-of-band upon conclusion of the proceedings to remain indefinitely on a non-interference basis

RULES AND REGULATIONS

to stations authorized pursuant to the reallocations proposed herein. EIA recommended, however, that a limit of five to seven years should be placed on such assignments. Commission policy has normally permitted a five year period for amortization of equipment in similar cases. Upon reconsideration of the matter, the Commission is of the opinion that the public interest can best be served by imposing a definite limitation on out-of-band operation by existing licensees. Accordingly, such operation is being authorized for a period of five years from the effective date of the action in this proceeding, after which operation must be restricted to the bands designated for the particular service.

12. In view of the foregoing, and with the exception noted in paragraph 11 above, the Commission believes that the public interest will be served by the allocation changes originally proposed. The basic allocation changes as amendments to Parts 2 and 4 of the rules are set forth below. Parts 7, 8, 9, 10, 11, 16 and 21 will be editorially amended in separate orders to reflect these basic changes. Authority for these changes is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

13. Accordingly, it is ordered, Effective August 19, 1963, That Parts 2 and 4 of the Commission's rules are amended as set forth below.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: July 10, 1963.

Released: July 12, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.1 is amended to add the following definitions in their proper alphabetical sequence:

§ 2.1 Definitions.

Common Carrier land station. A land station open to public correspondence.

Common Carrier mobile station. A mobile station open to public correspondence.

Operational land station. A land station, excluding aeronautical stations, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

Operational mobile station. A mobile station, excluding aircraft stations, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

2. Section 2.106 of the Commission's rules and regulations is amended as follows:

§ 2.106 [Amendment]

a. The Table of Frequency Allocations is amended to read, in part, as follows:

Federal Communications Commission				
Band (Mc/s)	Service	Class of Station	Frequency (Mc/s)	Nature {OF SERVICES of stations
7	8	9	10	11
***	***	***	***	***
6425-6525 (NG46)	MOBILE.	Common carrier land. Common carrier mobile.		
6525-6575 (NG46)	MOBILE.	Operational land. Operational mobile.		
***	***	***	***	***
10550-10680 (NG46)	MOBILE.	Operational land. Operational mobile.		
***	***	***	***	***
11700-12200	MOBILE.	Common carrier land. Common Carrier mobile (except aeronautical mobile).		

b. Footnote NG7 is deleted.

c. Footnote NG46 is added in its proper numerical sequence.

NG46 Licensees holding a valid authorization on July 15, 1963, to operate in the frequency bands 6425-6525 Mc/s, 6525-6575 Mc/s, 7050-7125 Mc/s, and 10550-10680 Mc/s may continue to be authorized for such operation until July 15, 1968, on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

3. Section 4.602 of the Commission rules and regulations is amended as follows:

§ 4.602 [Amendment]

a. In § 4.602(a) footnote designator 1 is deleted from the frequencies 7050-7075, 7075-7100, and 7100-7125 Mc/s and the footnote is deleted.

b. In the Table in § 4.602(a) the heading "Band C" and all of the frequencies listed under that heading are deleted.

[F.R. Doc. 63-7670; Filed, July 22, 1963; 8:45 a.m.]

[Docket No. 14992, RM-401; FCC 63-645 corrected]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Minneapolis-St. Paul, Minnesota

1. The Commission has before it for consideration its Notice of Proposed Rule Making, released March 8, 1963 (FCC 63-217), proposing a reservation of Channel 17 for noncommercial educational use at Minneapolis-St. Paul, Minnesota, where the channel is presently assigned.¹ Petitioner is the licensee of noncommercial, educational station KTCA-TV on Channel 2 in Minneapolis-St. Paul, which it has operated there

¹Application filed May 31, 1962 (BPCT-3050) by Twin City Area Educational Television Corporation for this channel is currently pending.

since 1957. There are commercial operations on Channels 4, 5, 9, and 11. Also assigned to Minneapolis-St. Paul for commercial use is Channel 23, which is not presently in use and for which there are no applications currently pending.

2. In its request for the proposed reservation, the petitioner cites the expressed objectives and plans of several educational institutions, boards, and school systems—public and private—as evidence of a growing potential and need which cannot be adequately met with only one educational television facility in the area. Petitioner states that the proposed station would serve as an additional broadcasting channel to operate in association with its KTCA operation, to be used initially for in-school instruction primarily (conforming to the regular operational schedule of the schools), with future plans for nursing, industrial, and other types of instruction for classroom, laboratory plant, and home use.

3. Comments opposing the choice of Channel 17 for the proposed reservation for noncommercial educational use were filed on behalf of Full Gospel Ranch, Incorporated, which, it is stated, is actively engaging in the preparation of an application for Channel 17 in the Twin Cities. Full Gospel takes the position that there are still technical advantages in the lower as opposed to the higher frequencies in the UHF band, and that based on its stated plans Twin City could operate as well on the higher frequencies, some of which would be available, or in the 2000 MC band if the Commission decides to assign this for education. By thus preserving Channel 17 for commercial use, an additional commercial operation in the area could provide a more effective and competitive service, it is asserted. Full Gospel also contends that the use of Channel 17 for initial UHF broadcasting in the Minneapolis-St. Paul area will assist UHF development in the area to a greater extent than the use of a higher channel.

4. The Commission is of the view that adoption of the proposal would enhance opportunities for needed educational television services in the Twin Cities area, and that a reservation of Channel 17 for noncommercial educational use there would serve the public interest. With respect to the opposition men-

tioned, it is noted that Channel 23 is available for commercial application at Minneapolis-St. Paul, and that there is no substantial difference in the propagation characteristics of Channels 17 and 23. The action herein is taken pursuant to authority found in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That, effective August 19, 1963, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the community named is concerned, to read as follows:

City	Channel No.
Minneapolis-	
St. Paul, Minn-----	*2—, 4, 5—, 9+, 11—, *17, 23+

Adopted: July 10, 1963.

Released: July 18, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

[F.R. Doc. 63-7728; Filed, July 22, 1963;
8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS [S.O. 944]

PART 95—CAR SERVICE

Distribution and Return of Empty Coal Cars

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1 held at its office in Washington, D.C., on the 17th day of July A.D. 1963.

It appearing, that an acute shortage of freight cars exists in certain sections of the country; that such shortages are further aggravated by failure of certain carriers to comply with outstanding special car orders and orders of the Association of American Railroads; that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient to promote the most efficient utilization of cars and an equitable distribution of same; in the opinion of the Commission an emergency requiring immediate action exists in cer-

tain sections of the country to promote car service in the interest of the public and the commerce of the people.

It is ordered, That:

§ 95.944 Distribution and return of empty coal cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, obey, and comply with Association of American Railroads Car Service Division Special Car Order C-411 as shown below:

"Effective at once discontinue the use of coal cars owned by Chesapeake & Ohio, Louisville & Nashville, Norfolk and Western-Virginian Railway in any loading and return all such cars to home lines empty, either direct or via the service route.

(b) Section (a) of this order shall be subject to any permits issued by the permit Agent named below.

(c) E. P. Miller, Chairman, Car Service Division, Association of American Railroads is hereby appointed as Permit Agent of the Interstate Commerce Commission with directions and authority to issue such permits that he may find necessary with respect to this order.

(d) Application: The provisions of this order shall apply to intrastate and interstate commerce.

(e) Effective date: This order shall become effective at 12:01 a.m., July 19, 1963.

(f) Expiration date: This order shall expire at 11:59 p.m., November 30, 1963, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-7724; Filed, July 22, 1963;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under sections 72 and 401 through 404 of the Code, relating to the deductibility of contributions to pension plans and the taxability of distributions, were publishing in the FEDERAL REGISTER for June 18, 1963.

A public hearing on these proposed amendments to the regulations will be held on Tuesday, August 6, 1963, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington 25, D.C., by August 2, 1963.

[SEAL] MAURICE LEWIS,
Director, Technical Planning
Division, Internal Revenue
Service.

[F.R. Doc. 63-7720; Filed, July 22, 1963;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1067]

MILK IN OZARKS MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Ozarks marketing area is being considered for the month of August 1963.

The provisions proposed to be suspended are:

1. In § 1067.7(b), the words, "during any of the months of February through July, or the extent of not more than 16 days' production during any of the months of August through January"; and

2. In the table of § 1067.11(b) opposite the month of August, the following: "25".

These provisions relate to the limit on diversion of producer milk and the shipping requirement for supply plants to maintain pool status for the month of August 1963.

This action has been requested by a cooperative association in the market. The action would enable the cooperative to maintain pool status for its supply plant and facilitate the orderly disposition of the market's reserve supply of milk which, as seems likely, will not be needed during the month of August.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on July 18, 1963.

LINLEY E. JUERS,
Acting Deputy Administrator,
Regulatory Programs, Agri-
cultural Marketing Service.

[F.R. Doc. 63-7730; Filed, July 22, 1963;
8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141a, 146a]

ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Proposed Modification of Safety Tests for Certain Penicillin Preparations

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to revise the toxicity test requirements for hydrabamine penicillin G, hydrabamine penicillin V, and buffered methicillin sodium (21 CFR 141a.75, 141a.91, 141a.107, 146a.72, 146a.97). The amendments would be effected as follows:

1. By changing § 141a.75(b) to read:
§ 141a.75 Hydrabamine penicillin G.

(b) *Toxicity.* Accurately weigh a convenient amount of the sample (usually 1 or 2 grams) and transfer to a mortar. Add 1 drop of polysorbate 80 and, while grinding with a pestle, slowly add sterile distilled water sufficient to make a 10 percent suspension (100 milligrams per milliliter) of smooth consistency. To each of 5 mice weighing 18 grams to 25 grams each, administer orally, by means of a cannula or other suitable device, 0.5 milliliter of the 10

percent suspension. Observe the test animals for a period of 5 days for any deaths. If no animal dies within 5 days, the sample is considered nontoxic. If one or more animals die within 5 days, repeat the test, using for each test five or more previously unused mice weighing 20 grams (± 0.5 gram) each; if the total deaths within 5 days is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

2. By changing § 141a.91(b) to read:
§ 141a.91 Hydrabamine, penicillin V (penicillin V hydrabamine salt).

(b) *Toxicity.* Accurately weigh a convenient amount of the sample (usually 1 or 2 grams) and transfer to a mortar. Add 1 drop of polysorbate 80 and, while grinding with a pestle, slowly add sterile distilled water sufficient to make a 10 percent suspension (100 milligrams per milliliter) of smooth consistency. To each of 5 mice weighing 18 grams to 25 grams each, administer orally, by means of a cannula or other suitable device, 0.5 milliliter of the 10 percent suspension. Observe the test animals for a period of 5 days for any deaths. If no animal dies within 5 days, the sample is considered nontoxic. If one or more animals die within 5 days, repeat the test, using for each test five or more previously unused mice weighing 20 grams (± 0.5 gram) each; if the total deaths within 5 days is no greater than 10 percent of the total number of animals tested, including the original test, the sample is nontoxic.

3. By amending § 141a.107(b) to read as set forth below and by adding to the section a new paragraph (c), as follows:

§ 141a.107 Buffered methicillin sodium (buffered sodium-2,6-dimethoxyphenyl penicillin).

(b) *Sterility, pyrogens, moisture, pH, crystallinity, methicillin content, and identity.* Proceed as directed in § 141a.103 (b), (c), (e), (f), (g), (h), and (i).

(c) *Toxicity.* Proceed as directed in § 141a.4, except use sodium chloride solution as the diluent and inject 0.5 milliliter of a solution containing 40 milligrams per milliliter.

4. By amending § 146a.72(d) (2) to read as follows:

§ 146a.72 Hydrabamine penicillin V (penicillin V hydrabamine salt).

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2-grams. Each sample shall be taken from a different

part of such batch and packaged in accordance with the requirements of paragraph (b) of this section.

5. By amending § 146a.97(d) (2) to read:

§ 146a.97 Hydrabamine penicillin G (hydrabamine penicillin G salt).

* * * * *

(d) * * *

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams. Each sample shall be taken from a different part of such batch and packaged in accordance with the requirements of paragraph (b) of this section.

Any interested person may, within 30 days from the publication of this notice in the FEDERAL REGISTER, submit written views and comments on these proposed amendments. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: July 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-7710; Filed, July 22, 1963;
8:46 a.m.]

[21 CFR Parts 141d, 146d] CHLORAMPHENICOL SODIUM SUCCINATE

Miscellaneous Amendments

The Commissioner of Food and Drugs, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to him by the Secretary (25 F.R. 8625), proposes to amend the regulations for tests and methods of assay and certification of chloramphenicol and chloramphenicol-containing drugs (21 CFR 141d.314, 146d.314, 146d.315) to provide for a single-dose container for pediatric use, and to refine the specifications and procedure for determining pH. The amendments proposed are as follows:

1. By changing § 141d.314(g) to read:

§ 141d.314 Chloramphenicol sodium succinate.

* * * * *

(g) pH. Proceed as directed in § 141a.5(b) of this chapter, using an aqueous solution containing 250 milligrams of chloramphenicol per milliliter.

2. By amending § 146d.314(a) (7) to read:

§ 146d.314 Chloramphenicol sodium succinate.

(a) * * *

(7) The pH of an aqueous solution containing 250 milligrams of chloramphenicol per milliliter is not less than 6.4 and not more than 7.0.

3. By amending § 146d.315 in the following respects:

a. By changing paragraph (a) (6) to read:

§ 146d.315 Chloramphenicol sodium succinate for aqueous injection.

(a) * * *

(6) The pH of an aqueous solution containing 250 milligrams of chloramphenicol per milliliter is not less than 6.4 and not more than 7.0.

b. By adding to paragraph (b) two new subparagraphs. As amended, the text following the introduction to the paragraph would read:

(b) * * *

(1) In addition to the sizes of the containers permitted by § 146d.307(b), it may also be packaged so that each immediate container contains the equivalent of 0.250 gram of chloramphenicol.

(2) The expiration date of the drug shall be 36 months.

(3) In lieu of the requirements specified by § 146d.307(d) (2), a person who requests certification of a batch shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency, sterility, toxicity, pyrogens, histamine content, moisture, and pH.

(ii) The chloramphenicol sodium succinate used in making the batch: Potency and specific rotation.

(4) When it is packaged to contain the equivalent of 0.250 gram of chloramphenicol per vial:

(i) In lieu of the requirements specified by § 146d.307(d) (3) (i) (a), a person who requests certification of a batch shall submit for all tests except sterility one immediate container for each 5,000 in the batch, but in no case less than 18 containers.

(ii) The fees for the services rendered with respect to the sample submitted in accordance with subdivision (i) of this subparagraph shall be \$4.50 for each immediate container in the sample.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments (preferably in quintuplicate) on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 17, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-7711; Filed, July 22, 1963;
8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 4b]

[SR-450A]

[Docket No. 1858; Notice 63-27]

AIRSPPEED OPERATING LIMITATION FOR TRANSPORT CATEGORY AIR- PLANES

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to revise the airspeed operating limitation requirements in Part 4b of the Civil Air Regulations and in Special Civil Air Regulation No. SR-450A. The proposal affects operators and manufacturers of turbine-powered transport category airplanes.

There are two changes proposed with respect to Part 4b which would affect newly certificated airplanes. One change would require the use of a red line on the airspeed indicator to indicate the maximum operating limit speed. Where a limit pointer is used, the red line must be on a conspicuous background and be approximately one-fourth of the width, and at least one-half of the length, of the pointer. The other change involves a clarification that the aural warning must be based on indicated airspeed rather than calibrated or true airspeed. These changes are also proposed for SR-450A for application to currently operated turbine-powered airplanes. There is also proposed deletion of the term "never exceed speed", and of the symbols "V_{NE}/M_{NE}", from the Airplane Flight Manual, from airspeed and Mach instruments, and from placards. The changes would also require inclusion of data in the emergency operation section of the Airplane Flight Manual and on placards of all emergency flight conditions and associated speeds, when such speeds exceed V_{MO}/M_{MO}. No changes are proposed to provisions of SR-450A which affect reciprocating engine-powered airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 23, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The provisions of SR-450A specify compliance for turbine-powered trans-

port category airplanes in two stages. The first stage was effective March 1, 1963, and primarily involved revisions to the Airplane Flight Manual and remarking of airspeed and Mach instruments and placards. Requirements with the same compliance date which affect the Airplane Flight Manual only are also applicable to reciprocating engine-powered transport category airplanes. The second stage requires provisions for an aural speed warning device by February 1, 1964. Experience in implementing the requirements of SR-450A indicates a need for clarification of some of the provisions and for reconsideration of other provisions from the standpoint of safety.

Currently effective Part 4b prescribes no color markings for the airspeed operating limitations on the airspeed and Mach indicators. Such markings are governed by the provisions of § 4b.732 which state that the airspeed limitations shall be presented in such a manner that they can be easily read and interpreted by the flight crew.

The provisions of section 1(a)(2) of SR-450A specify a red radial line to indicate V_{MO}/M_{MO} on the airspeed and Mach indicators when color markings are used on these instruments. In addition, when a maximum allowable airspeed indicator is used, the aforementioned provisions require the limit hand to indicate V_{MO}/M_{MO} . These provisions include no requirements on the color marking of the limit hand. Therefore, in implementing these provisions, no specific color markings are required for the limit hand. Based upon the data included in the Airplane Flight Manual in compliance with section 1(a)(2) of SR-450A, it appears that, in the overall result, the color red has not been incorporated on the limit hand of maximum allowable airspeed indicators.

Prior to the promulgation of SR-450A and under the broad provisions of § 4b.732, a red radial line has been used to indicate V_{NE}/M_{NE} . Provisions of the regulations requiring a red line or marking to indicate limiting airspeeds on airspeed indicators has been of long standing and the practice has continued even after the promulgation of broader provisions on instrument markings which specified no particular colors. The color red is required to show limiting values on other instruments. Red, by all basic references, has been used to denote caution and danger. In view of the foregoing, the Agency believes that there is merit in reconsidering the airspeed limit markings resulting from SR-450A to require the use of red for indicating such airspeeds. The Agency believes that safety will be enhanced by the continued association of red with limiting airspeeds on airspeed indicators in comparison with other alternative courses of marking. Therefore, it is proposed to require in § 4b.732 and in the proposed special regulation for turbine-powered airplanes that V_{MO}/M_{MO} be indicated on the airspeed indicator by a red line. In the case where a limit hand is used, the revised provisions would require that the red line be on a conspicuous background and be approximately one-fourth of the width and at least one-half of the length of the

hand or pointer. In order to relieve the burden of compliance on turbine-powered transport category airplanes currently in operation, it is proposed that this rule become effective 18 months after promulgation of the new special regulation so that remarking of the indicators can be scheduled during airplane overhaul.

In the preamble of SR-450, it was indicated that, in respect of the provisions of section 1(a)(2), the never exceed speed may be retained in the manual since, in some cases, emergency procedures may refer to this speed. In reconsideration of this matter, the Agency believes that, consistent with the concept of the maximum operating speed and to minimize the possibility of confusion in the future, all reference to the term "never exceed speed" and the symbols " V_{NE}/M_{NE} " including any data should be deleted from the airspeed limitation section of the Airplane Flight Manual as well as from airspeed and Mach instruments and from placards. Higher speeds approved for emergency conditions should be included in that section of the Airplane Flight Manual in which emergency operations are treated. Accordingly, a proposal to revise SR-450A along these lines is included herein. Some questions have been raised as to whether adequate presentation was made to the pilots of speed information with respect to those emergencies where speeds in excess of V_{MO}/M_{MO} were applicable. In this regard, it is proposed that such data be put on a placard for pilot reference. Except for removal of the term " V_{NE}/M_{NE} " from, and transferral of speed data in some cases from the airspeed limitations to the emergency operation section of, the Airplane Flight Manual, all other aspects of this particular proposal are considered to be nonsubstantive and in the form of clarification.

It is also proposed to clarify the aural warning device provisions to make it clear that such devices must be based on indicated airspeed (not including instrument error). In practice, such devices have been based on just that airspeed; therefore, no burden should be posed by this proposal.

Since this regulation is applicable to existing airplanes, and a short compliance date might be burdensome, it is proposed that all of the revised provisions of the special regulation, with one exception, would be made effective 18 months after adoption of the new special regulations. This exception applies to the proposed clarification of the reference speed with respect to the aural warning device specified in proposed section 1(b) for which the currently specified compliance date of February 1, 1964, is being retained.

The Agency has also had under study two issues on which no proposals are included. One issue is whether the regulations should be revised to accommodate cases where V_{MO}/M_{MO} is variable with factors other than altitude, such as fuel weight, fuel distribution, etc. The second issue is whether all currently operated turbopropeller-equipped airplanes should continue to be subject to the provisions of SR-450A. In connection with the for-

mer issue, the Agency believes that it would be difficult to establish the applicable conditions without being confronted with a specific case since, most probably, each case would involve peculiar circumstances. Accordingly, it was decided that in those cases where V_{MO}/M_{MO} is variable with factors other than altitude, effective implementation of the current regulation could be accomplished by considering each case on its own merits and establishing the aural warning in such cases at an airspeed which will provide substantially the same level of safety as that intended by the regulation. On the latter issue, it appears that, from continued analysis of operating records, there is lack of evidence to point to the exemption of any one of the currently operated turbopropeller airplanes from compliance with the currently effective provisions on airspeed operating limitations.

The format of any final rules adopted pursuant to these proposals will be subject to such changes as may be necessary for recodification under the Agency's recodification program announced in Draft Release 61-25 (26 F.R. 10698).

In consideration of the foregoing, it is proposed to amend Part 4b of the Civil Air Regulations and to supersede Special Civil Air Regulation No. SR-450A as hereinafter set forth.

These regulatory changes are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, 1424).

1. By amending § 4b.603(k) by deleting the words "the speed exceeds" from the second sentence, and inserting in lieu thereof the words "the indicated airspeed, exclusive of instrument error, exceeds" and by deleting the words "at a speed" from the third sentence and inserting in lieu thereof the words "at an indicated airspeed, exclusive of instrument error".

2. By amending § 4b.732 by adding at the end thereof two new sentences to read as follows: "On the airspeed indicator, the maximum operating limit speed V_{MO}/M_{MO} throughout the operating altitude range shall be indicated by a red line. Where a limit pointer is used, the red line shall be approximately one-fourth the maximum width and at least one-half the maximum length of the pointer, and shall be on a conspicuous background, i.e., barber pole or checkerboard design."

3. By superseding Special Civil Air Regulation No. SR-450A by a new special regulation to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, the following requirements shall be applicable to transport category airplanes certificated under the provisions of Part 4b in effect prior to May 3, 1962:

1. *Turbine-powered airplanes.* (a) (1) The airspeed operating limitations in the Airplane Flight Manual shall be revised by deleting the term "normal operating limit speed" and the corresponding symbols " V_{NO}/M_{NO} ", together with statements explaining the significance of this term, and inserting in lieu thereof the term "maximum operating limit speed", the corresponding symbols " V_{MO}/M_{MO} ", and the following statement explaining the significance of the

new term: "The maximum operating limit speed shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is specifically authorized for flight test or pilot training operations, or in approved emergency procedures."

(2) Airspeed placards and instrument markings shall be consistent with subparagraph (1) of this paragraph. Where color markings are used on airspeed or Mach indicators, the red radial line shall be at V_{MO}/M_{MO} . Where a maximum allowable airspeed indicator is used, the limit hand shall indicate V_{MO}/M_{MO} .

(b) On or before February 1, 1964, each airplane shall be equipped with a speed warning device which shall provide aural warning to the pilots, which is distinctly different from aural warnings used for other purposes, whenever the indicated airspeed, exclusive of instrument error, exceeds V_{MO} plus 6 knots or $M_{MO} + 0.01$. The upper limit of the production tolerances permitted for the warning device shall be at an indicated airspeed, exclusive of instrument error, not greater than the prescribed warning speed.

(c) On or before [18 months after adoption], the Airplane Flight Manual, airspeed placards and instrument markings, as applicable, shall be revised in accordance with subparagraphs (1) through (4) of this paragraph.

(1) Airspeed placards and instrument marking shall be consistent with paragraph (a) (1) of this section.

(2) On airspeed or Mach indicators the maximum operating limit speed V_{MO}/M_{MO} throughout the operating altitude range shall be indicated by a red line. Where a limit pointer is used, the red line shall be approximately one-fourth the maximum width and at least one-half the maximum length of the pointer, and shall be on a conspicuous background; i.e., barber pole or checkerboard design.

(3) All references to the term "never exceed speed" and the symbol " V_{NE}/M_{NE} " including related data shall be removed from the airspeed limitation section of the Airplane Flight Manual, from placards, and from the airspeed and Mach indicators. In addition, the red line if used to mark V_{NE}/M_{NE} shall be removed from these instruments.

(4) Where the use of speeds greater than V_{MO}/M_{MO} has been specifically authorized in approved emergency procedures, in accordance with paragraph (a) (1) of this section such speeds along with information on the associated flight conditions shall be included in the section of the Airplane Flight Manual on emergency operations. In addition, a placard shall be provided to indicate such speeds and the associated emergency conditions.

2. *Reciprocating engine-powered airplanes.* The airspeed operating limitations in the Airplane Flight Manual shall be revised as necessary to state that the normal operating limit speed, or the maximum structural cruising speed (whichever term is used in the particular manual), shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is specifically authorized for flight test or pilot training operations, or in approved emergency procedures.

Issued in Washington, D.C., on July 17, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-7691; Filed, July 22, 1963;
8:45 a.m.]

No. 142—4

[14 CFR Part 71 [New]]

[Airspace Docket No. 62-SW-72]

FEDERAL AIRWAYS AND REPORTING POINTS

Alteration of Proposal

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER on April 10, 1963 (28 F.R. 3489) it was stated that the Federal Aviation Agency proposed to redesignate VOR Federal airway No. 94 from Salt Flat, Tex., to Britton, Tex.; realign VOR Federal airway No. 76 from Big Spring, Tex., to San Angelo, Tex.; realign VOR Federal airway No. 16 south alternate from Big Spring to Mineral Wells, Tex.; realign VOR Federal airway No. 17 from Waco, Tex., to Bridgeport, Tex.; redesignate VOR Federal airway No. 102 from Lubbock, Tex., to Salt Flat; realign VOR Federal airway No. 66 from Midland to Abilene, Tex.; realign VOR Federal airway No. 163 from Mineral Wells to Bridgeport; realign VOR Federal airway No. 15 west alternate from Waco, Tex., to Waxie, Tex. INT.; realign VOR Federal airway No. 1622 from Abilene to Britton; realign VOR Federal airway No. 1630 from Big Spring to San Angelo; and to designate the Dyess AFB, Tex., VOR as a reporting point.

No adverse comments were received on the Notice. However, in view of suggestions made in the comments received, the FAA is considering the following alterations to the proposals contained in the original Notice:

1. Realign the segment of Victor 94 between Dyess and Britton via the intersection of Dyess 084° and Britton 264° True radials. This would permit retention of the common alignment with Victor 1622 on the Britton 264° True radial. It would also obviate the requirement for the realignment of Victor 15 west alternate between Waco and Britton and the realignment of Victor 17 between Waco and Mineral Wells.

2. Revoke the segments of Victor 16 south alternates between Big Spring, Abilene and Mineral Wells. These airway segments are no longer required for air traffic control purposes.

3. Extend VOR Federal airway No. 62 from Abilene to Britton via the intersection of Abilene 096° and Britton 264° True radials. This would provide an inbound route to Abilene from Britton via a common alignment with Victor 1622.

4. Realign Victor 66 from Hyman, Tex., to Abilene via the intersection of Hyman 085° and Abilene 251° True radials. This would improve air traffic service by retaining a common alignment with VOR Federal airway No. 1628 on the Abilene 251° True radial.

5. Retain the present direct alignment of Victor 1630 between Big Spring and San Angelo. Because of the short distance between these facilities, the inclusion of an additional navigational facility (Hyman) in the airway structure would serve no useful purpose.

6. Retain the present alignment of Victor 1622 between Abilene and Britton. The proposed alteration to Victor 94 and extension of Victor 62 would obviate the requirement for alteration of this airway segment.

Because of the several alterations proposed to the original Notice and for the purpose of clarity, the original proposals as altered herein are restated below:

1. Redesignate Victor 94 in part from Salt Flat via Wink, Tex.; Midland; Hyman, Tex.; Dyess, Tex.; intersection of Dyess 084° and Britton 264° radials; to Britton (14 miles wide from 45 nautical miles from Dyess to 45 nautical miles from Britton).

2. Realign Victor 76 from Big Spring via Hyman to San Angelo.

3. Revoke the segments of Victor 16 south alternate from Big Spring to Abilene and from Abilene to Mineral Wells.

4. Realign Victor 17 from Mineral Wells; direct to Bridgeport.

5. Redesignate Victor 102 from Lubbock via Hobbs; Carlsbad, N. Mex., to Salt Flat.

6. Realign Victor 66 from Midland via Hyman; the intersection of Hyman 085° and Abilene 251° True radials; to Abilene (13 miles wide from the intersection of Hyman 085° and Abilene 251° True radials to 45 nautical miles from Abilene).

7. Realign Victor 163 from Mineral Wells direct to Bridgeport.

8. Extend Victor 62 from Abilene to Britton via the intersection of Abilene 096° and Britton 264° True radials (14 nautical miles wide from 45 nautical miles from Abilene to 45 nautical miles from Britton).

9. Designate the Dyess VOR as a low altitude reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An

PROPOSED RULE MAKING

informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 17, 1963.

W. R. ANDREWS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-7695; Filed, July 22, 1963;
8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

ASSISTANT DIRECTOR ET AL.

Delegation of Authority To Act as Director Under Specified Conditions

1. Under the authority conferred upon me by Treasury Department Order No. 129 (Revision 2) dated April 22, 1955, the following officials of the Bureau of Engraving and Printing in the order of succession enumerated are hereby authorized to act as Director of the Bureau of Engraving and Printing in the absence or disability of or in the event of a vacancy in the Office of the Director of the Bureau of Engraving and Printing:

- (1) Assistant Director
- (2) Chief, Office of Industrial Services
- (3) Chief, Office of Currency and Stamp Manufacturing
- (4) Chief, Office of Surface Printing and Ink Manufacturing

2. In the event of an enemy attack upon any point within the continental limits of the United States the officials named in paragraph 1 and, in addition, the following official of the Internal Revenue Service, both in the order of succession enumerated, are authorized to exercise so much of the authority of the Secretary of the Treasury and of the Director of the Bureau of Engraving and Printing as is necessary to insure continuous performance of all essential functions of the Bureau of Engraving and Printing:

- (1) Assistant Regional Commissioner (Administration), Internal Revenue Service, Swift Building, Cincinnati 2, Ohio.

3. The purpose of the authorization contained in paragraph 2 is to provide a temporary expedient to meet emergency conditions. The respective officials will be notified when they are to cease to exercise the authority therein delegated.

HENRY J. HOLTZCLAW,
Director, Bureau of
Engraving and Printing.

JULY 15, 1963.

[F.R. Doc. 63-7719; Filed, July 22, 1963;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 15, 1963.

Notice of an application Serial Number Utah 025597, for withdrawal and

reservation of lands was published as Federal Register Document No. 57-9229 on pages 8961 and 8962 of the issue for November 7, 1957. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on July 25, 1963, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SALT LAKE MERIDIAN, UTAH

- T. 43 S., R. 1 W.,
Sec. 1: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 11: SE $\frac{1}{4}$;
Sec. 12: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 13: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 14: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 25: E $\frac{1}{2}$.
T. 43 S., R. 2 W.,
Sec. 9: SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 11: SE $\frac{1}{4}$;
Sec. 14: NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 23: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26: SW $\frac{1}{4}$;
Sec. 27: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28: SE $\frac{1}{4}$;
Sec. 33: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 34: W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 36: S $\frac{1}{2}$ S $\frac{1}{2}$.
T. 44 S., R. 2 W.,
Sec. 1: NE $\frac{1}{4}$;
Sec. 4: S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 5: N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8: Lot 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 9: Lots 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 10: Lots 1, 2, N $\frac{1}{2}$ NW $\frac{1}{4}$.

The above area aggregates 3,987.32 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 63-7701; Filed, July 22, 1963;
8:45 a.m.]

[State Order No. 42]

WASHINGTON AND OREGON

Redelegation of Authority Regarding Certain Lands and Minerals Matters

JULY 8, 1963.

This order cancels and supersedes S.O. No. 42 dated 5-4-62.

In accordance with section 1.1(a) of Bureau Order No. 684 (26 F.R. No. 8216, August 28, 1961), as amended, I hereby authorize the following employees to perform the functions listed below which are delegated to me.

The Lands and Minerals Specialist, Spokane, Washington, and the District Manager, Medford, Oregon may perform in their respective areas of administrative jurisdiction the functions listed in:

1. Section 1.2(e), Government contracts;

2. Section 1.6(k), Mining Claims, as may be necessary to conduct a comprehensive mineral examination of mineral applications, unpatented mining claims, and mineral classifications, and sign mineral reports in lieu of the State Director.

The Lands and Minerals Specialist, Spokane, Washington may also perform the functions listed in:

1. Section 1.5(a), Classification of lands.

Notwithstanding this delegation, the Officer-in-Charge, Spokane Field Office, Spokane, Washington, is hereby authorized to perform the functions listed above for the Lands and Minerals Specialist, Spokane. Also the Chief, Division of Lands and Minerals Management and the Chief, Branch of Minerals Management, are hereby authorized to perform the functions listed above for the District Manager, Medford.

RUSSELL E. GETTY,
State Director.

Approved:

L. T. HOFFMAN,
Acting Associate Director.

[F.R. Doc. 63-7702; Filed, July 22, 1963;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

B & B LIVESTOCK AUCTION YARD,
INC.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

B & B Livestock Auction Yard, Inc., Modesto, Calif.

Cobleskill Commission Auction, Inc., Cobleskill, N.Y.

Plateau Livestock Exchange, Crossville, Tenn.

Templer Livestock Auction, Inc., Belton, Tex.

Bowie Livestock Commission Company, Bowie, Tex.

Breckenridge Livestock Exchange, Breckenridge, Tex.

Falcon Livestock Auction Co., Zapata, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments con-

cerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of July 1963.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-7731; Filed, July 22, 1963; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc. has applied for an increase of sailings on its subsidized freight service on Trade Route No. 18, between U.S. Atlantic ports and ports in India, Pakistan, Burma and the Red Sea, from a maximum of twenty-six sailings to a maximum of twenty-nine sailings per annum.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on August 2, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 18, 1963.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-7705; Filed, July 22, 1963; 8:46 a.m.]

FARRELL LINES INC.

Notice of Application

Notice is hereby given that Farrell Lines Incorporated has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. FMB-64 to permit that operator with ships employed on its subsidized service on Trade Route No. 15-A (1) to serve ports on the Great Lakes and St. Lawrence River west of Montreal; and (2) to call at ports in Puerto Rico for the carriage of cargo between that area and foreign ports on the service.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should, by the close of business on August 2, 1963, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 18, 1963.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-7706; Filed, July 22, 1963; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to December 31, 1963 the latest completion date specified in Construction Permit No. CPPR-8 for the construction of a 203 megawatt (thermal) controlled recirculation boiling water nuclear reactor to be located at a site approximately five and one-half miles northeast of Sioux Falls, South Dakota.

Copies of the Commission's order and of the application by Northern States Power Company are available for public inspection at the Commission's Public

Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 12th day of July 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 63-7689; Filed, July 22, 1963; 8:45 a.m.]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO. AND ENRICO FERMI ATOMIC POWER PLANT

Notice of Determination and Authorization

Please take notice that pursuant to paragraph 4 of Provisional Operating License No. DPR-9 dated May 10, 1963, and based upon a review and evaluation by this Division of the results of inspections by the Division of Compliance with respect to the status of completion of the Enrico Fermi Atomic Power Plant located at Lagoona Beach, Monroe County, Michigan, I have found (1) that construction of the facility has been completed in conformity with Construction Permit CPPR-4, as amended and the Revised License Application, as amended, and (2) that all pre-operational tests required for loading to criticality and described in Hearing Exhibit 6 (as amended) have been completed as therein provided.

Accordingly, the Power Reactor Development Company has been authorized to load the core and operate the Enrico Fermi Atomic Power Plant at not in excess of one megawatt (thermal) in accordance with the Technical Specifications contained in Appendix "A" to Provisional Operating License No. DPR-9.

Dated at Bethesda, Md., this 11th day of July 1963.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 63-7690; Filed, July 22, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14639]

SCANDINAVIAN AIRLINES SYSTEM

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 25, 1963, at 10:00 a.m. e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., July 18, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-7726; Filed, July 22, 1963; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 63-610]

BOARD OF COMMISSIONERS

Delegation of Authority Regarding Investigations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of July 1963;

The Commission having under consideration its announcement of June 5, 1963, regarding its plans for one meeting and no hearings or oral arguments in August 1963; planned summer absences of its members; and the limitation on the delegation of authority to a Board of Commissioners, contained in § 0.213 of the Commission's Statement of Organization, Delegations of Authority and Other Information, whereby such Board cannot institute investigations;

It appearing, that a quorum of the Commission may not be present at times during the period from August 2, 1963 to September 3, 1963, inclusive;

It further appearing, that it is necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, that a Board of Commissioners be authorized to institute investigations whenever a quorum of the Commission is not present during the above-specified period;

It is ordered, That, pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, during the period from August 2, 1963 to September 3, 1963, inclusive, there is delegated to a Board of Commissioners, to be composed of all Commissioners present and able to act during said period, authority to institute investigations and to suspend tariff filings pending investigations whenever a quorum of the Commission is not present.

Released: July 16, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-7727; Filed, July 22, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1090]

FLORIDA/PUERTO RICO TRADE

General Investigation Into Common Carrier Freight Rates and Practices

It appearing, that by order dated February 1, 1963, the Commission instituted an investigation into and concerning the lawfulness of the tariffs and transportation practices of common carriers named as respondents therein, insofar as they pertain to the Florida/Puerto Rico Trade; and

It further appearing, that TMT Trailer Ferry Inc. (C. Gordon Anderson,

Trustee), has been named as a respondent in this proceeding; and

It further appearing, that there has been filed with the Federal Maritime Commission a tariff schedule naming reduced rates on "Vehicles" to become effective July 10, 1963, designated as follows:

TMT Trailer Ferry, Inc.

(C. Gordon Anderson, Trustee)

Tariff FMC-F No. 3 (Trailer Marine Transportation (TMT), Inc. Series) Nineteenth Revised Page 136;

and

It further appearing, that upon consideration of the said schedule and protests thereto, there is reason to believe that the said reduced rates, if permitted to become effective, would result in rates, charges, rules, regulations and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that, the Commission is of the opinion that the tariff revisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said revisions should be suspended pending such investigation;

Now therefore it is ordered, That, this proceeding be, and it is hereby, expanded to include, in addition to matters now under investigation herein, a specific investigation into and a hearing concerning the aforementioned reduced rates on vehicles with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That Nineteenth Revised Page 136, TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) FMC-F No. 3 (Trailer Marine Transportation (TMT), Inc., Series) be, and it is hereby suspended and that the use thereof be, and it is hereby deferred to and including November 9, 1963, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended

matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 10th day of November, 1963, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) a copy of this order shall forthwith be served upon all respondents and protestants herein; (III) the said respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said Rule.

By the Commission, July 9, 1963.

[SEAL]

THOMAS LIST,
Secretary.

[F.R. Doc. 63-7723; Filed, July 22, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63-313]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 16, 1963.

Take notice that on May 20, 1963, East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with its principal place of business in Knoxville, Tennessee, filed in Docket No. CP63-313 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a 1,000 horsepower compressor station on its 16-inch South Line near Lobelville, Tennessee, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the installation of the proposed facilities will increase

its ability to utilize its pipeline system for "pack-and-flow" operation by providing an additional 13,429 Mcf of "line-pack" in its South Line. Applicant will thereby be able to maintain its demand as low as possible upon its sole supplier, Tennessee Gas Transmission Company. No compressor horsepower is presently installed on Applicant's system.

Applicant states that the proposed installation will eliminate the need for manual pressure control between Chattanooga and Knoxville, Tennessee. The operating costs of the compressor station are estimated to approximately equal the yearly expenditure of \$13,080 for value manipulation. By enabling it to move an additional 15,000 Mcf of gas per day through its South Line, the proposed station would minimize the adverse effects created by wash-outs on either of two single line river crossings on the North Line. The North and South Lines connect near Knoxville.

The estimated cost of the proposed facilities is \$274,800, to be financed from general funds provided from the operations of Applicant and/or short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 13, 1963, at 9:30 a.m. e.d.s.t.; in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the Hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 2, 1963. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-7697; Filed, July 22, 1963;
8:45 a.m.]

[Project No. 2375]

INTERNATIONAL PAPER CO.

Notice of Application for License

JULY 16, 1963.

Public notice is hereby given that application has been filed under the Fed-

eral Power Act (16 U.S.C. 791a-825r) by International Paper Company (correspondence to: William A. Hanway, Secretary, International Paper Company, 220 East 42d Street, New York 17, New York) for license for constructed Project No. 2375, known as the Otis-Livermore Falls Project, located on the Androscoggin River, in the vicinity of the Villages of Riley, Jay, Chisholm and Livermore Falls, in the Towns of Canton, Jay, Livermore Falls and Livermore, in the Counties of Androscoggin, Franklin, and Oxford, State of Maine.

The project comprises developments at the following named sites, at which the following described facilities are located: Riley Mill—located upstream from the village of Riley, with the mill and most of the dam in the town of Jay, Franklin County (a small portion of the dam being in the town of Canton, Oxford County). The site includes an L-shaped concrete-capped rock-filled timber-crib dam about 649 feet long, including 8-foot log sluice, topped with flashboards (about 50 inches high); a pond of about 578 acres in area; a forebay; a stone masonry forebay headgate section about 108 feet long; stone masonry forebay wall (about 194 feet long), constituting south wall of grinder room building, with turbine intake headgates; a hydro-mechanical installation of 23 turbines rated at 300 hp each and one turbine rated at 350 hp; and appurtenant facilities. Jay Power Plant—located in the village of Jay. The site includes a two section concrete gravity dam (topped with flashboards about 32 inches high), the west section extending about 319 feet from the right bank to the west shore of Pine Island, and the east section extending about 277 feet from the east shore of Pine Island to the powerhouse; a pond of about 206 acres in area; a forebay; a forebay wall extending about 320 feet upstream from the powerhouse, along the left bank; a powerhouse (about 147 feet long, extending from dam to left bank) including six 620 hp turbines connected to five 500 kva generators and one 625 kva generator; a double circuit 6600 volt line extending about 2½ miles downstream to Otis Mill; and appurtenant facilities. Otis Mill—located at the village of Chisholm. The site includes a concrete wing wall, about 69 feet long and 4 feet in average height, along the right bank; an L-shaped dam consisting of (1) a rock-filled timber crib section about 379 feet long (about 18 feet average height and topped with 2-foot flashboards) extending from the right bank, with a log sluice (about 15 feet wide), and (2) a concrete wall about 198 feet long extending downstream; a stone masonry forebay headgate structure about 189 feet long extending from the concrete wall to the left bank; a pond about 115 acres in area; a forebay; a masonry forebay spillway; a masonry forebay wall (about 287 feet long) constituting north wall of grinder room building, with turbine intake headgates; a combination hydro-mechanical and hydro-electrical installation of six turbines of 895 hp each, three hydro-mechanical only and three combined

hydro-mechanical and hydroelectrical (generators rated 950 kva and 1.0 pf, 750 kva and 0.8 pf, and 1180 kva and 1.0 pf), nine turbines of 576 hp each (hydro-mechanical), one 500 hp and one 775 hp turbine (hydro-mechanical); and appurtenant facilities. Livermore Mill—located about ¾ mile downstream from Otis Mill. The site includes an L-shaped concrete dam and spillway section (average height about 9½ feet and topped by 28-inch flashboards) extending from the right bank about 318 feet, then downstream about 281 feet; a concrete wall and forebay headgate structure (about 250 feet long); a pond about 46 acres in area; a forebay; a concrete forebay spillway section (about 594 feet long); a concrete wall (about 170 feet long) constituting north wall of woodpulp mill building, with turbine intake headgates; a hydro-mechanical and hydroelectrical installation of seven turbines of 1200 hp each, 3 hydro-mechanical only and 3 combined hydro-mechanical and hydroelectrical (3 generators each rated 1,180 kva and 1.0 pf), and one 1,128 hp turbine (hydroelectric only) connected to a 1,175 kva—0.85 pf generator; a three-circuit 2,300 volt transmission line extending about ¾ mile upstream to Otis Mill; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 30, 1963. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-7699; Filed, July 22, 1963;
8:45 a.m.]

[Docket No. E-7111]

KANSAS CITY POWER & LIGHT CO.

Notice of Application

JULY 16, 1963.

Take notice that on July 5, 1963 an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Kansas City Power & Light Company (Applicant), a corporation organized under the laws of the State of Missouri and qualified to do business as a foreign corporation in the State of Kansas, with its principal place of business at 1330 Baltimore Avenue, Kansas City, Missouri (Kansas City), seeking an order authorizing the acquisition of certain electric facilities owned by the United States of America (Government). Applicant is engaged in the generation, transmission, distribution, and sale of electric power and energy in Kansas City and portions of the surrounding territory in the counties of Cass, Carroll, Chariton, Clay, Howard, Jackson, Johnson, Lafayette, Pettis, Platte, Randolph and Saline, all in the State of Missouri, and in the counties of Anderson, Bourbon, Coffey, Douglas, Franklin, Johnson, Leavenworth, Linn, Miami, Osage, and Wyandotte, all

in the State of Kansas. Applicant also furnishes steam heating service in Kansas City. The facilities which Applicant proposes to acquire consist of a 115 kv electric transmission line from substation POL 17, Kansas City, to structure 271, inclusive, at the Sunflower Ordnance Works near De Soto, Kansas, and a tap from the Sunflower Ordnance Works line to substation POL 319 at the Naval Weapons Industrial Plant (Westinghouse Plant), Kansas City, including substations and related facilities and the Government's interest, if any, in the underlying easements for the transmission line right-of-way. Such facilities are presently leased and operated by Applicant under a lease from the Government and are utilized to transmit electric power and energy within Applicant's service territory and to provide an emergency interchange interconnection with The Kansas Power and Light Company at the Sunflower Ordnance Works. The facilities which Applicant proposes to acquire include all the electric facilities leased by the Government to Applicant except the facilities located on the site of the Sunflower Ordnance Works. Applicant will continue to operate such excluded facilities under its lease from the Government.

Upon consummation of the proposed transaction, the facilities acquired by Applicant will be operated and utilized by it in the same manner as at present. The purchase price to be paid to the Government by Applicant for the facilities which it proposes to acquire is \$1,150,000, subject to the terms of the agreement contained in the Invitation For Bids No. N-Mo-442B issued by the General Services Administration on behalf of the Government, as supplemented by Addendum No. 1, dated June 20, 1963, the bid submitted by Applicant, and the acceptance of Applicant's bid by the Administrator of General Services, dated June 28, 1963 (Purchase Agreement). During the period Applicant has leased and operated the facilities it now proposes to acquire such facilities have become an integral part of the Applicant's transmission system required to provide electric service to the public and to maintain an interconnection providing an emergency source of electric power.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 1, 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-7700; Filed, July 22, 1963;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1572]

CONSOLIDATION COAL CO. ET AL.

Notice of Filing of Application for Order Exempting Proposed Transactions

JULY 16, 1963.

In the matter of Consolidation Coal Company, Koppers Building, Pittsburgh 19, Pennsylvania; National Steel Corporation, 2800 Grant Building, Pittsburgh 19, Pennsylvania; Mathies Coal Company, Library, Pennsylvania.

Notice is hereby given that Consolidation Coal Company ("Consol"), National Steel Corporation ("National") and Mathies Coal Company ("Mathies") have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed sale of 18,000 shares of Mathies stock to National by Consol and the sale of certain coal acreage more fully described below to Mathies by Consol. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the applicants' representations which are summarized below.

The M. A. Hanna Company ("Hanna"), a registered closed-end, non-diversified investment company, owns approximately 22 percent of the outstanding voting securities of Consol and approximately 26 percent of the outstanding voting securities of National. By reason of these holdings, Consol and National are affiliated persons of Hanna and National is presumptively controlled by Hanna. Consol is primarily engaged in the production and marketing of bituminous and lignite coal and National is principally engaged in the business of manufacturing and marketing steel and steel products.

Mathies owns and operates the Mathies mine in Washington County, Pennsylvania, which produces high-volatile Pittsburgh seam metallurgical coal. The Mathies mine is a modern underground mine having an annual production capacity of 3,000,000 tons of coal. It consists of a modern cleaning plant and mining equipment with available coal reserves providing an estimated life for the mine of 40-50 years. Mathies was organized in 1951 and its outstanding voting securities (comprising all of its capital stock) consist of 90,000 shares of capital stock of which 30,000 shares are owned by Consol, 30,000 by National, 18,000 by Youngstown Sheet & Tube Company ("Youngstown"), and 12,000 by Stelco Coal Company ("Stelco").

Under the terms of a marketing agreement entered into at the time Mathies

was formed, the production of the Mathies mine is allocated to each stockholder in proportion to its stock ownership and each stockholder is obligated to purchase its allotment at the greater of the prevailing market price or Mathies' production cost. By this allocation of production, each stockholder gains an assured supply of coal in an amount proportionate to its investment in the mine, which also determines the share of the profit it receives or the loss it bears. Over the past five years, National's share of the production of Mathies has not been adequate to meet its needs and National has purchased from Consol a part of Consol's share of the Mathies production. Accordingly, National desires to purchase from Consol part of Consol's stock interest to insure a future coal supply adequate to meet National's needs and to bring its stock ownership and share of Mathies profits more in line with its purchases of Mathies coal and thus to reduce the net cost of coal purchased by it.

Consol therefore proposes to sell to National and National proposes to purchase from Consol, for cash, 18,000 shares of Mathies stock at a purchase price equal to the book value of such stock as of December 31, 1962. This number, representing one-fifth of the total number of shares outstanding, would reduce Consol's interest in Mathies to 12,000 shares and increase National's interest to 48,000 shares. The book value per share as of December 31, 1962 was approximately \$181.35. National and Consol state that the book value of the Mathies stock as of December 31, 1962 provides the most realistic means of valuing such stock under the circumstances and represents a fair and reasonable price to both parties. In this connection, they state that there is no ascertainable market value for the stock.

Consol further proposes to sell to Mathies 1,549.51 acres of coal land, more or less, for a purchase price of \$2,218,000, to be paid by Mathies' 4½-percent promissory note in that amount, the principal of which will be payable in three equal annual installments beginning December 31, 1963. In connection with this proposed sale, the applicants represent that under the terms of a 1956 supplement to a lease entered into in 1951, Consol leased to exhaustion to Mathies an additional 4,534.04 acres, more or less, of coal lands adjacent to the Mathies mine as reserves available for production by such mine. Such supplemental lease provided for a fixed royalty per ton produced to be paid to Consol, and a minimum annual royalty based on a minimum production of 1,093,750 tons per year. Since the Mathies mine has not produced at the rate which was anticipated at the time when the lease was entered into, the stockholders of Mathies desire to amend the lease to reduce the coal acreage leased thereunder to 2,984.53 acres, more

or less, and to reduce to 700,000 tons the minimum annual production on which the minimum annual royalty must be paid (subject to upward adjustment in the event of increased production by the Mathies mine in the future). To prevent the coal acreage eliminated from the 1956 lease from being lost to Mathies and to assure Mathies of adequate reserves for future coal production, however, Mathies proposes to purchase from Consol the coal acreage no longer to be covered by the lease. The purchase price for such coal acreage was reached by discounting to estimated present value, on a 6-percent basis, the value of such coal on the basis of the royalty included in the lease, taking into account the time when such coal acreage would be needed for further production by the Mathies mine.

Applicants assert that the reduction and spreading out of minimum royalty payments is offset by the use of a 6 percent rate in the computation of the purchase price of the coal acreage no longer to be covered by the lease, and by other business considerations. While Consol normally might not consent to such revisions in its existing lease arrangements, such revisions are represented to be, in the context of such considerations, desirable because it is to Consol's advantage, as the manager and a stockholder of Mathies, to make Mathies a success and to encourage the participating steel companies to purchase coal from Mathies.

Section 17(a) of the Act, insofar as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such registered company or any company controlled by such company securities or property, unless the Commission upon application pursuant to section 17(b) grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

The application also states that the royalty rates in the leases to Mathies and information relating to coal purchases by the stockholders of Mathies have been omitted from the application on the grounds that public disclosure of such information would be detrimental to the competitive positions of the stockholders of Mathies. Such royalty rates and other information supporting the statements contained in the application have been furnished to the Commission by separate amendment to the application and confidential treatment of such information has been requested pursuant to section 45(a) of the Act.

Notice is further given that any interested person may, not later than July 31, 1963 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his inter-

est, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing), upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 63-7703; Filed, July 22, 1963;
8:46 a.m.]

[File No. 70-4155]

NEW ENGLAND ELECTRIC SYSTEM AND MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Increase in Authorized Shares of Common Stock and Intrasystem Issuance, Sale and Acquisition of Such Additional Shares

JULY 15, 1963.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company and one of its electric utility subsidiary companies, Massachusetts Electric Company ("Massachusetts") 441 Stuart Street, Boston 16, Massachusetts, have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) (2), 6(b), 9(a) and 10 of the Act and Rule 50(a) (1) and (3) thereof as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Massachusetts proposes to increase its authorized and outstanding shares of common stock, par value \$25 per share (all of which are owned by NEES) from 1,966,294 to 2,073,436 such shares. Massachusetts further proposes to issue and sell, and NEES proposes to acquire, the 107,142 additional shares of common stock of Massachusetts at a price of \$70 per share or for an aggregate price of \$7,499,940.

The proceeds from the proposed sale of common stock will be applied by Massachusetts to the payment of short-term

note indebtedness incurred in connection with the construction of extensions and additions to plant and property.

The fees and expenses to be paid in connection with the proposed transactions are estimated to aggregate \$1,000 for NEES and \$11,839 for Massachusetts. The latter amount consists of \$3,000 for services performed at cost by the system service company, \$7,500 for original issue taxes and \$1,339 for a State filing fee.

Massachusetts has applied to the Massachusetts Department of Public Utilities for authorization of the proposed transactions. A copy of the order entered therein is to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 26, 1963, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as it will be amended, may be granted and permitted to become effective as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 63-7704; Filed, July 22, 1963;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

DONALD LEROY MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connec-

tions as heretofore reported and published (27 F.R. 6811 and 28 F.R. 1576) during the six months period ended July 18, 1963.

None.

DONALD L. MANION.

JULY 18, 1963.

[F.R. Doc. 63-7714; Filed, July 22, 1963; 8:47 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 160]

FORT DODGE, DES MOINES & SOUTHERN RAILWAY

In the opinion of Charles W. Taylor, Agent, the Fort Dodge, Des Moines & Southern Railway is unable to transport traffic routed over its line because of highway construction requiring a break in their main line near Ames, Iowa.

It is ordered, That:

(a) Rerouting traffic. Fort Dodge, Des Moines & Southern Railway, and its connections, being unable to transport traffic in accordance with shippers' routing because of highway construction requiring a break in their main line near Ames, Iowa, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided

for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p.m., July 16, 1963.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1963, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 16, 1963.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[SEAL]

[F.R. Doc. 63-7715; Filed, July 22, 1963; 8:47 a.m.]

[Notice 837]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 18, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will

postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65759. By order of July 16, 1963, Division 3, Acting as an Appellate Division, approved the transfer to Lomar Transportation Co., Inc., Philadelphia, Pa., of Certificates Nos. MC 5390 and MC 5390 (Sub No. 1), issued September 7, 1942 and January 23, 1948, respectively, in the name of S. M. Fox, doing business as Penn-New Jersey Transportation Co., Camden, N.J.; authorizing the transportation over irregular routes, of groceries, produce, and fresh fruit, from Philadelphia, Pa., to Wilmington, Del., and points in New Jersey on and south of U.S. Highway 46, paper, paper mill products, fibreboard, fibreboard boxes, and paper machine rolls, between Philadelphia and Chester, Pa., Delair and Camden, N.J.; from Philadelphia and Chester, Pa., Delair and Camden, N.J., to points in New Jersey on and south of U.S. Highway 46, and points in that part of Pennsylvania on and east of U.S. Highway 122 and on and south of U.S. Highway 209; from Delair and Camden, N.J., and Philadelphia, Pa., to Claymont and Wilmington, Del.; waste paper, rags, wood-pulp, mill supplies, and raw materials used in the manufacture of paper and paper products, from Claymont and Wilmington, Del., and points in the above-specified areas in New Jersey and Pennsylvania to Philadelphia, and Chester, Pa., and Delair and Camden, N.J.; paper products and fibreboard products, from Delair, N.J., to points in Delaware, except Claymont and Wilmington and those in that part of Maryland on and south of U.S. Highway 40 from the Delaware-Maryland State line to Elkton, Md., and thence on and east of Chesapeake Bay; and rejected shipments of the above-specified commodities, from the above-specified destination points to Delair, N.J. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia 2, Pa., attorney for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-7716; Filed, July 22, 1963; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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